



3 1761 11970822 0

CAI XY 2

-66 P25

Government
Publications

Canada. Parliament. Special
joint committee on penitentiaries.
Proceedings, T-10, 1966-67



Digitized by the Internet Archive
in 2023 with funding from
University of Toronto

<https://archive.org/details/31761119708220>



563

28

First Session—Twenty-seventh Parliament

1966

PROCEEDINGS OF
THE SPECIAL JOINT COMMITTEE OF THE SENATE
AND HOUSE OF COMMONS ON
PENITENTIARIES

No. 1

THURSDAY, JUNE 30, 1966

JOINT CHAIRMEN

The Honourable Senator W. M. Benidickson, P.C.

and

Mr. Ian Watson, M.P.

WITNESSES:

The Honourable L. T. Pennell, Solicitor General; A. J. MacLeod, Commissioner, Canadian Penitentiary Service; The Honourable Mr. Justice R. Ouimet, Chairman, Canadian Committee on Corrections.

REPORT OF THE COMMITTEE

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

THE SPECIAL JOINT COMMITTEE OF THE SENATE AND
HOUSE OF COMMONS ON PENITENTIARIES

Joint Chairmen

The Honourable Senator W. M. Benidickson, P.C.

and

Mr. Ian Watson, M.P.

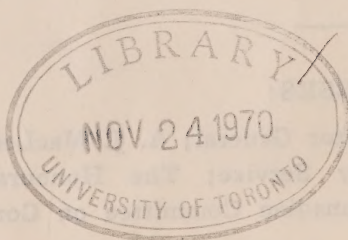
The Honourable Senators

Benidickson,	Inman,
Cameron,	Irvine,
Fergusson,	O'Leary (<i>Carleton</i>),
Fournier (<i>Madawaska-Restigouche</i>),	Prowse,
Gouin,	

Messrs.

Aiken,	Prud'homme,
Allmand,	Ricard,
Dionne,	Rochon,
Fulton,	Stafford,
Lachance,	Tolmie,
MacInnis (<i>Mrs.</i>),	Watson (<i>Châteauguay-Huntingdon-</i>
Matheson,	<i>Laprairie</i>),
McQuaid,	Woolliams.

(Quorum 10)



ORDER OF REFERENCE

(House of Commons)

Extract from the Votes and Proceedings of the House of Commons, Tuesday, March 15, 1966.

Mr. Pennell, seconded by Mr. McIlraith, moved,—That a joint committee of the Senate and House of Commons be appointed to consider the state of penitentiaries under the control of the Government of Canada and the plans of the Government in relation thereto with powers to report from time to time its observations and opinions thereon; send for persons, papers and records; adjourn from place to place; sit during sittings of the House; and print from day to day such papers and evidence as may be ordered by the committee, and that Standing Order 66 be suspended in relation thereto;

That 15 Members of the House of Commons, to be designated at a later date, act on behalf of the House as Members of the said committee; and

That a message be sent to the Senate requesting that House to unite with this House for the above purpose, and to select, if the Senate deem advisable, some of their Members to act on the proposed joint committee.

After debate thereon, the question being put on the said motion it was agreed to.

LEON J. RAYMOND,

Clerk of the House of Commons.

ORDER OF REFERENCE

(House of Commons)

Extract from the Votes and Proceedings of the House of Commons, Tuesday, March 22, 1966.

On motion of Mr. Pilon, seconded by Mr. McNulty, it was ordered,—That a Message be sent to the Senate to acquaint Their Honours that this House will unite with them in the formation of a Joint Committee of both Houses to consider the state of Penitentiaries under the control of the Government of Canada and that the Members to serve on the said Committee, on the part of this House, will be as follows: Messrs. Aiken, Allmand, Dionne, Fulton, Lachance, Macdonald (Rosedale), Matheson, McQuaid, Prud'homme, Ricard, Stafford, Tolmie, Watson (Châteauguay-Huntingdon-Laprairie), Winch and Woolliams.

LEON J. RAYMOND,

Clerk of the House of Commons.

JOINT COMMITTEE

ORDER OF REFERENCE

(Senate)

Extract from the Minutes and Proceedings of the Senate, Wednesday, March 23, 1966.

Pursuant to the Order of the Day, the Senate proceeded to the consideration of the Message from the House of Commons requesting the appointment of a Special Joint Committee of the Senate and House of Commons on Penitentiaries.

The Honourable Senator Connolly, P.C., moved, seconded by the Honourable Senator Hugessen:

That the Senate do unite with the House of Commons in the appointment of a Joint Committee of both Houses of Parliament to consider the state of penitentiaries under the control of the Government of Canada and the plans of the Government in relation thereto, and to report from time to time its observations and opinions thereon;

That nine Members of the Senate, to be designated at a later date, act on behalf of the Senate as members of the said Joint Committee;

That the Joint Committee have power to send for persons, papers and records; to adjourn from place to place; to sit during sittings and adjournments of the Senate; to print from day to day such papers and evidence as may be ordered by the Joint Committee; and

That a Message be sent to the House of Commons to inform that House accordingly.

The question being put on the motion, it was—

Resolved in the affirmative.

J. F. MACNEILL,
Clerk of the Senate.

ORDER OF REFERENCE

(Senate)

Extract from the Minutes and Proceedings of the Senate, Tuesday, March 29, 1966.

With leave of the Senate,

The Honourable Senator Beaubien (*Provencher*) moved, seconded by the Honourable Senator Macdonald (*Cape Breton*):

That the following Senators be appointed to act on behalf of the Senate on the Joint Committee of the Senate and House of Commons to consider the state of penitentiaries under the control of the Government of Canada and the plans of the Government in relation thereto namely, the Honourable Senators Benidickson, Cameron, Fergusson, Fournier (*Madawaska-Restigouche*), Gouin, Inman, Irvine, O'Leary (*Carleton*), and Prowse; and

That a Message be sent to the House of Commons to inform that House accordingly.

The question being put on the motion, it was—

Resolved in the affirmative.

J. F. MACNEILL,
Clerk of the Senate.

ORDER OF REFERENCE

(House of Commons)

Extract from the Votes and Proceedings of the House of Commons, Friday, May 6, 1966.

On motion of Mr. Pilon, seconded by Mr. Walker, it was ordered,—That the name of Mr. Rochon be substituted for that of Mr Macdonald (Rosedale) on the Joint Committee on Penitentiaries, and

That a Message be sent to the Senate to acquaint Their Honours thereof.

LÉON-J. RAYMOND,

Clerk of the House of Commons.

ORDER OF REFERENCE

(House of Commons)

Extract from the Votes and Proceedings of the House of Commons, Wednesday, June 15, 1966.

On motion of Mr. Pilon, seconded by Mr. McNulty, it was ordered,—That the name of Mrs. MacInnis be substituted for that of Mr. Winch on the Joint Committee on Penitentiaries, and

That a Message be sent to the Senate to acquaint their Honours thereof.

LÉON-J. RAYMOND,

Clerk of the House of Commons.

MINUTES OF PROCEEDINGS

THURSDAY, June 30, 1966.

Pursuant to adjournment and notice the Special Joint Committee of the Senate and House of Commons on Penitentiaries met this day at 1.00 p.m.

Present: The Senate: Honourable Senators Benidickson (*Joint Chairman*), Fergusson, Fournier (*Madawaska-Restigouche*), Inman, Irvine, O'Leary (*Carleton*) and Prowse,

and

House of Commons: Messrs. Watson (*Châteauguay-Huntingdon-Laprairie*) (*Joint Chairman*), Aiken, Allmand, Fulton, Lachance, MacInnis (Mrs.), Ricard and Rochon—(15).

On motion of Mr. Lachance, seconded by Senator Fergusson it was resolved to report recommending that the quorum be fixed at ten (10) members, provided that both Houses are represented.

The Committee proceeded to the consideration of the Order of Reference.

The following witnesses were heard:

The Honourable L. T. Pennell, Solicitor General, A. J. MacLeod, Commissioner, Canadian Penitentiary Service,

The Honourable Mr. Justice R. Ouimet, Chairman, Canadian Committee on Corrections.

At 2.40 p.m. the Committee adjourned to the call of the Chairman.

Attest.

Patrick J. Savoie,
Clerk of the Committee.

REPORT OF THE COMMITTEE

THURSDAY, June 30th, 1966.

The Special Joint Committee of the Senate and House of Commons on Penitentiaries makes its first Report as follows:

Your Committee recommends that its quorum be fixed at ten (10) members, provided that both Houses are represented.

All which is respectfully submitted.

W. M. BENIDICKSON,
Chairman.

THE SENATE
SPECIAL JOINT COMMITTEE OF THE SENATE AND
HOUSE OF COMMONS ON PENITENTIARIES

EVIDENCE

OTTAWA, Thursday, June 30, 1966.

The Special Joint Committee of the Senate and the House of Commons met this day at 1. p.m.

The Honourable Senator William Benidickson, P.C., and Mr. Ian Watson (*Châteauguay-Huntingdon-Laprairie*) M.P., Co-Chairman.

CO-CHAIRMAN (*Mr. Watson*): Honourable senators, and members, I call the meeting to order. Appearing before the committee today are the Honourable L. T. Pennell, Solicitor General; the Honourable Justice Roger Ouimet, Chairman, Canadian Committee on Corrections, and Mr. A. J. MacLeod, Q.C., Commissioner of Penitentiaries.

If it is agreeable to the committee members I will now call upon the Honourable L. T. Pennell to address the meeting.

The Honourable L. T. Pennell, Solicitor General: Honourable senators and members, I am grateful for the opportunity of attending your meeting and to present certain facts about the Penitentiary Service.

Since the turn of the century there have been several commissions concerned with the penitentiaries. I will mention only four of them: The Archambault Commission of 1938; the one-man Commission of General Gibson in 1947; the Fauteux Commission of 1956; and the Correctional Planning Committee of 1959-60. The latter was appointed by the Honourable E. D. Fulton, who I am very happy to note is a member of this Parliamentary Committee and who is here to-day.

The Archambault Commission condemned severely the system and the institutions that it examined in the late 1930's. The many recommendations of that commission were shelved in consequence of the outbreak of hostilities in 1939.

In 1947 Major General Ralph Gibson was commissioned to enquire into the state of the penitentiaries and he subsequently was appointed Commissioner of Penitentiaries. Following his recommendations, two Deputy Commissioners were appointed, one a psychiatrist, concerned with mostly with medicine and psychiatry, and the other an educationalist, concerned with the policy for programming inmate activities and, to some extent, with staff training. During the period 1947-60 much was done to humanize the attitude towards penitentiary inmates, although the facilities were very slow in being developed to accommodate the program. During this time the Federal Training Centre for young inmates was developed at St. Vincent de Paul, and two medium security institutions for adult male inmates were constructed—one at Joyceville, Ontario and the other at St. Vincent de Paul, Quebec. They are the present Joyceville and Leclerc Institutions.

In 1952 the Fauteux Commission was appointed to enquire into the Remission Service and to make recommendations concerning Parole Service. Their studies embraced the penal system as a whole, and their recommendations included many which affected the Penitentiary Service.

Much has been accomplished since 1960 and much remains to be done. In 1958 there were in Canada, in addition to the Prison for Women at Kingston, eight federal penitentiaries, all maximum security, and all with the same program of inmate activities, except that the program at Federal Training Centre, and to some extent Collin's Bay Penitentiary, was modified to suit younger inmates. Joyceville and Leclerc institutions were under construction but did not commence to operate until 1959 and 1961 respectively. There was a small work camp at Joyceville in 1958 which operated under minimum security conditions. A Staff College was in operation at Kingston, but the facilities were very limited and comparatively few penitentiary officers had the opportunity of formal training in their profession.

Since 1959 the penitentiary system has expanded and progressed. There are now operating, in addition to the eight original institutions and the Prison for Women, one prison for Doukhobors (this is now partly converted to other use); three medium security institutions; one institution for drug addicts; fifteen minimum security institutions, camps and annexes. There are four more medium security institutions, able to accommodate 1,800 inmates, under construction and coming into use during this fiscal year.

The inmate population, which in 1959—except for some fifty men in the Joyceville Camp—were all in maximum security institutions, are now accommodated as follows:

Maximum security	3,934
Medium security	1,986
Minimum security	1,098
Drug addicts	97
Prison for Women	108
Total	7,223

An interesting experiment is the institution for old "lags" at Mountain Prison, which I visited a couple of weeks ago. When the Doukhobour inmate population dropped, in consequence of Parole Board action or satisfaction of sentences, the prison, which had been specially built for them and which had two compounds, had much surplus accommodation. One of these compounds has been developed for older recidivists from the western region, and these elderly "gentlemen" now have hostel-like accommodation, behind a fence of course, where they are serving their sentences away from the bars and the necessarily restrictive environment of the maximum security prisons.

We have great plans for the future. Perhaps now would be a good time to mention the philosophy behind the developments we have in mind.

The role of the Penitentiary Service, as I see it, is the protection of society from criminally inclined individuals. This role is fulfilled in two ways:

- (a) "short-range" protection, during incarceration, by protective custody; and
- (b) "long-range" protection, through re-education and re-training, with the object of leading to reduced recidivism.

Correction of the inmate must be based on the humane approach to the inmate as a human being, who has been deprived of most of his civil rights but who retains his basic human dignity. The root of correction is in the exercise of proper human relationship between correctional staff and inmates, with no more physical restraining than is absolutely necessary.

There are requirements of varying degrees of security and different methods of correction for the many types of inmates. Therefore, adequate knowledge of the types of inmates who are handled in Canadian penitentiaries is a necessary pre-requisite for the whole of the correctional process, and in fact is its very base. This can only be accomplished by research into, and constant surveys of, the characteristics of the inmates and the degree of effectiveness of the various training programs in operation.

As you may know, the Penitentiary Service is at present organized into three main regions and four sub-regions.

In each region, it is planned that there will be institutional facilities to fulfil the following functions:

- (a) reception—to provide for reception of inmates;
- (b) special correctional institutions—for inmates requiring special care;
- (c) regular detention, according to the degree of security—i.e., maximum, medium and minimum security for adult males, including facilities for diagnostic purposes, for educational and technical training, and for general employment;
- (d) young offenders—to provide custody and training for inmates between the ages of 16 and 25 years under conditions of medium security; young offenders requiring maximum security will be sent to a maximum security institution where special facilities will be available to segregate them from older offenders;
- (e) hospital—medical accommodation and psychiatric services; and
- (f) pre-release hostels—to help those inmates who are nearing the end of their sentences and who require assistance in re-establishing themselves in the community.

Institutional facilities will be provided for narcotic drug addicts, both male and female, and for non-addicted females.

DEGREE OF SECURITY—DEFINITION

- (a) Special detention—for the psychopathic, hostile, troublemaking type of offender who looks for opportunities to disrupt the routine of any institution in which he is confined.
- (b) Maximum security—for the inmate who is likely to make active efforts to escape and, if he is at large, is likely to be dangerous to the public.
- (c) Medium security—for the inmate who is not likely to make active efforts to escape but will take advantage of an opportunity if it is presented, but who, if at large, is not likely to be dangerous to the public.

In every institution there will be a program of activities, and the facilities necessary to implement the program. It will comprise the following elements—phases—of the correctional process:

- (a) Employment: Program and facilities for a full-time purposeful occupation, during working hours, for every inmate who is not incapacitated by reasons of health or who is not under punishment. This will mean that every fit inmate will be allocated either to school, to technical training, to a production shop or a maintenance or service crew.
- (b) Leisure Time: program and facilities for indoor and outdoor physical education and recreation—sports, games, radio and television, film shows, reading, arts and crafts, to the extent and degree compatible with the requirements of custody and security.

- (c) Religion: permanent and separate facilities for Roman Catholic and Protestant worship, and for the religious program.
- (d) Contact with Families: program and facilities for visits by relatives and friends, and for mailing out and receiving correspondence, within the limits of custody and security.
- (e) Contacts with Social Agencies: program and facilities for interviews by representatives of after-care agencies and prospective employers.
- (f) Contact with Society: Citizen participation, mass communication media, pre-release activities.
- (g) Classification Process: program and facilities allowing for the provision of:
 - (i) diagnostic service (establishing needs for training);
 - (ii) system of inter-departmental reporting on inmates;
 - (iii) evaluation of reports and assessment of the progress made by every inmate in the institution; and
 - (iv) recommendation for changes in training, for transfer and for parole consideration.
- (h) Counselling: guidance for individuals and for groups of inmates conducted by adequately trained staff.
- (i) Education (Specialized) (in main institutions):
 - (i) elementary and higher education, up to the highest possible standard;
 - (ii) preparation for vocational training (pre-requisites for each trade);
 - (iii) correspondence courses;
 - (iv) library services;
 - (v) social, economic, health and moral education;
 - (vi) cultural activities: music, art classes, drama, study and discussion groups, inmate publications; and
 - (vii) citizenship education, preparation for committee work.
- (j) Vocational Training (Technical education) (main institutions):
 - (i) vocational guidance;
 - (ii) general shop training: for initial aptitude testing of inmates, and for basic training in the use of tools and materials for wood and metal trades;
 - (iii) pre-employment training: for various trades applicable in each particular institution; for training inmates in specific operations prevailing in the industrial or maintenance shops and services;
 - (iv) full-time vocational training (in special institutions only): for training inmates in skilled trades, or in apprenticeship, or for skilled occupations.

TRAINING—SPECIAL INSTITUTIONS

Programs are being developed with the aid of medical and other agencies such as the Narcotic Drug Foundation and other professional and citizens groups engaged in studies of specialized correctional subjects.

Material now before me indicates that facilities must be provided to accommodate the inmate population in these proportions:

Reception Centres	8%
Maximum security—(this includes the hostile and dangerous inmates, estimated at 3% of the population)	32%
Medium security	46%
Minimum security	14%
Medical and psychiatric	6%

In addition, pre-release hostels are required to provide half-way houses for certain inmates prior to their release.

In 1963 a ten-year program of institutional development was produced. Cabinet approved in detail the first phase of the program and in principle the second phase. The first phase provided the construction of these facilities:

Six reception centres:

Four special correctional units;

Four medical psychiatric centres;

Four medium security institutions for young offenders and selected adult males;

Two maximum security institutions;

Four pre-release centres;

Two minimum security camps;

One drug addicts' institution, with separate facilities for male and female inmates;

An addition to Mountain Prison, B.C., an institution for older recidivists; and

A new prison for women.

The second phase of the program, from 1967 to 1973, provides for:

Three maximum security institutions;

Four medium security institutions;

Three minimum security institutions;

Eight pre-release centres.

What has been accomplished since 1963:

One special correctional unit is just about completed in Quebec. Because of the controversy over the design, construction of additional special correctional units has been put into abeyance until the operation of the Quebec institution has been carefully examined.

Four medium security institutions will be in operation this year. The new medium security institution, designed within the Penitentiary Service, has been recognized as a notable advancement.

The reception centres and the psychiatric centres are in the detailed planning stage.

The contract has been let for a maximum security institution at St. Anne des Plaines, and I understand that construction will commence on July 16.

Penology is a continually developing science, and since the more informed views appear to differ as to the most appropriate maximum security design, it was decided to invite the Canadian Committee on Corrections to review the maximum security design, and we will have the value of their views before proceeding with three other proposed maximum security institutions.

The Drug Addicts' Institution, in British Columbia, is operating with almost one hundred inmates under treatment.

Sufficient money is provided in this year's estimates for four pre-release centres and suitable accommodation is being sought in our larger cities.

The Mountain Prison addition is complete, and transfer to it of suitable inmates is underway.

Planning is commencing for a new prison for women, which project, I hope, will be soon underway.

A new Staff college has been built in Kingston and the contract is about to be let for another at St. Vincent de Paul.

In addition to the facilities planning, a vast program of officer training has been operating for some two years and is expanding rapidly. No correctional officer goes on duty in a penitentiary with less than three months' training and courses for officers already in the service are available at the staff colleges at Kingston, St. Vincent de Paul, and New Westminster.

I have here, for each member, a number of documents produced by the Penitentiary Service. The contents include details of the 10-year plan of institutional development, Penitentiary Service Operations 1966-67, the various directives and instructions issued by the Commissioner, and sundry other papers.

I thank the committee for the courtesy of this invitation, and I will be pleased to appear again before the committee at your convenience.

CO-CHAIRMAN (*Mr. Watson*): I think it would be appropriate at this stage of the proceedings to read into the record the resolution setting up this committee:

That a joint committee of the Senate and House of Commons be appointed to consider the state of penitentiaries under the control of the Government of Canada and the plans of the Government in relation thereto with powers to report from time to time its observations and opinions thereon; send for persons, papers and records; adjourn from place to place, sit during sittings of the House; and print from day to day such papers and evidence as may be ordered by the committee, and that Standing Order 66 be suspended in relation thereto;

That 15 Members of the House of Commons, to be designated at a later date, act on behalf of the House as Members of the said committee.

The Canadian Committee on Corrections has the following terms of reference:

To study the broad field of corrections, in its widest sense, from the initial investigation of an offence through to the final discharge of a prisoner from imprisonment or parole, including such steps and measures as arrest, summoning, bail, representation in Court, conviction, probation, sentencing, training, medical and psychiatric attention, release, parole, pardon, post release supervision and guidance and rehabilitation; to recommend as conclusions are reached, what changes, if any, should be made in the law and practice relating to these matters in order better to assure the protection of the individual and, where possible, his rehabilitation, having in mind always adequate protection for the community; and to consider and recommend upon any matters necessarily ancillary to the foregoing and such related matters as may later be referred to the Committee; but excluding consideration of specific offences except where such consideration bears directly upon any of the above mentioned matters.

Senator PROWSE: Mr. Pennell, how far have you gone in the execution of your plans for construction?

Hon. Mr. PENNELL: The terms of reference of this committee are to look at the state of penitentiaries, and the plans. There is a Canadian Committee on Corrections which will make a report and Parliament will decide how to act. This committee will listen to our plans and then you will comment on our plans and on the present state of penitentiaries.

There may be some overlapping but this committee serves the purpose of enabling members of both houses to become better informed.

Mr. LACHANCE: I raised this matter of overlapping at the organization meeting of this committee. I am glad to see Mr. Justice Ouimet here. Could we hear him now?

Hon. Mr. FULTON: There is agreement that we do not examine or cross-examine Mr. Pennell on his statement but I respectfully suggest there are some portions on which we should have some amplification. I would like additional background information on the rate of admission and rate of growth of the prison population. Could we hear Mr. Justice Ouimet and then ask Mr. Pennell some questions, without cross-examining him?

Senator PROWSE: We should also have the percentage of repeaters.

Hon. Mr. PENNELL: I will try to handle any question you raise, and I might try to do so now.

CO-CHAIRMAN (*Senator Benidickson*): We decided this was not the best time. You yourself, Mr. Pennell, offered the committee members the opportunity to visit penitentiaries. We have not decided when we would do that. We welcomed your statement and agreed we would not cross-examine now.

CO-CHAIRMAN (*Mr. Watson*): At this time it is our pleasure to welcome the Honourable Justice Roger Ouimet of the Superior Court of Montreal, who is Chairman of the Canadian Committee on Corrections.

Justice Ouimet, as I explained to you over the telephone, the Steering Committee feels we need clarification on the overlap between your committee and ours.

(*Translation*)

Honourable Justice Roger Ouimet, Chairman, Canadian Committee on Corrections: Messrs. Joint Chairmen, honourable members of the Committee; may I at the outset thank you for the invitation extended to me over long distance telephone while I was on an official trip to British Columbia. One of your joint chairmen, as he has just indicated, had made me aware of the committee's wish to avoid duplication. I had no hesitation in answering that request and in communicating to you, in my capacity as chairman of the Canadian Committee on Corrections some information which will, I hope, be of some use to you.

Our Committee was set up under the provisions of Order in Council P.C. 1965-998, dated June 1st. It is composed of the following people:

Mr. G. Arthur Martin, Q.C., LL.D., a prominent criminal lawyer from Toronto; Mrs. Dorothy McArton, Executive director of the Greater Winnipeg Family Bureau, Deputy Commissioner (ret.) J. R. Lemieux, of the R.C.M.P. and Mr. W.T. McGrath, Executive Director of the Canadian Corrections Association, the latter also acting as secretary of our group.

Our Associate Secretary is Mr. Claude Bouchard—who is sitting here at this table—and as early as this mid-summer we will be able to avail ourselves of the services, on a part-time basis, of professor Desmond Morton, Q.C. who is returning to a chair in Toronto after having spent some time at Dublin University, in Ireland.

We also benefit from the services of 26 consultants, chosen among practitioners of various disciplines relating to human sciences and corrective processes and working in all areas of this country from Saint John's to Vancouver.

(*English*)

Messrs. Chairmen and honourable members of the committee:

I believe you will be interested in knowing the names and the qualifications of these twenty-six consultants, the greater majority of whom have had the occasion personally to communicate with the Committee and with all of whom we have kept in contact, either in writing or by telephone:

Prof. Gerald W. Alton, Maritime School of Social Work, Halifax.

Mr. John Braithwaite, Warden, Haney Correctional Institution, Haney, B.C.

- Professor I. L. Campbell, Dean of the Faculty of Arts, Bishop's University, Lennoxville, P.Q.
- Judge Marguerite Choquette, Social Welfare Court, Quebec City.
- Mr. W. B. Common, Q.C., Counsel, Ontario Law Reform Committee, Toronto.
- Mr. Daniel Coughlan, Director of Probation Services, Toronto.
- Dr. Maurice Gauthier, Director of Prison Services, Quebec.
- Mr. Gilles Gendreau, Director, Boscoville, Montreal.
- Mr. Emmanuel Grégoire, Executive Director, Société d'orientation et de réhabilitation sociale, Montreal.
- Miss Phyllis Haslam, Executive Director, Elizabeth Fry Society, Toronto.
- Mr. B. W. Henneffer, Correctional Programs Director, Fredericton.
- Mr. A. M. Kirkpatrick, Executive Director, John Howard Society of Ontario, Toronto.
- L'Abbé Marc Lecavalier, President, Correctional Chaplains Association, Montreal.
- Judge Sidney V. Legg, District Court, Edmonton.
- Mr. Eugene A. MacDonald, Director of Child Welfare, Charlottetown.
- Mr. James Mackey, Chief, Metropolitan Toronto Police, Toronto.
- Father Noël Mailloux, Director, Centre for Research in Human Relations, Montreal.
- Lt.-Col. Frank Moulton, Director, Correctional Services Department, Salvation Army, Toronto.
- Dr. Lucien Panaccio, Medical Superintendent, St-Jean de Dieu Psychiatric Hospital, Montreal.
- Dr. C. H. Pottle, Director of Mental Health Services, St. John's.
- Mr. Frank Potts, Director of Psychology, Department of Reform Institutions, Toronto.
- Mr. J. A. Robert, Director, Quebec Provincial Police, Montreal.
- Dr. G. W. Russon, Psychiatrist, Regina.
- Mr. Ray Slough, Director of Corrections and Inspector of Gaols, Winnipeg.
- Professor Denis Szabo, Director, Department of Criminology, University of Montreal, Montreal.
- Judge Gérard Tourangeau, Municipal Court, Montreal.

I also thought it might be helpful to read into the record, the terms of reference which have been assigned to us and which were first tabled in the House of Commons on April 9, 1965 as an appendix, namely:

To study the broad field of corrections, in its widest sense, from the initial investigation of an offence through to the final discharge of a prisoner from imprisonment or parole, including such steps and measures as arrest, summoning, bail, representation in Court, conviction, probation, sentencing, training, medical and psychiatric attention, release, parole, pardon, post release supervision and guidance and rehabilitation; to recommend as conclusions are reached, what changes, if any, should be made in the law and practice relating to these matters in order better to assure the protection of the individual and, where possible, his rehabilitation, having in mind always adequate protection for the community; and to consider and recommend upon any matters necessarily ancillary to the foregoing and such related matters as may later be referred to the Committee; but excluding consideration of specific offences except where such consideration bears directly upon any of the above mentioned matters.

I am informed that you would like to know what our committee's activities have been since its inception.

From May 31 until June 3, 1965, I was fortunate enough to participate in the National Conference on the Prevention of Crime, convened by the Center of Criminology in Toronto. The first meeting of our committee was to take place in Ottawa on June 29. It had been called by the Minister of Justice for the main purpose of a formal launching.

However, our agenda had to be altered at the last moment and, consequently, there was no press conference and no official statement as originally planned. Instead, we discussed with the deputy minister such questions as the location of our headquarters in Ottawa and the establishment of our staff as well as an invitation which had been received for us to attend, in the capacity of observers, the United Nations Congress on the Prevention of Crime, and the Treatment of Offenders, to be held in Stockholm, from August 9 to August 18. We all made the trip which proved to be highly profitable. Indeed, our second and third meetings were held in the Swedish Capital and we visited what was described as the "most modern detention complex" in Kumla, as well as the minimum security camp at Apstuna. From the 29th of August till the 3rd of September, three of our members and a number of our consultants attended the Fifth International Congress on Criminology at Montreal, during which we renewed many acquaintances and also had a joint meeting with Lord Amory and visiting members of the Royal Commission on the Penal System in England and Wales.

An elaboration of our terms of reference as we understood them, was prepared for submission to Justice, and was first discussed with the minister, the deputy minister and their advisers on September 28, 1965.

Although this elaboration was not to be approved until quite some time later because of the study in depth which it required, it was agreed that we should proceed with our exploratory work across Canada.

Our first trip in the month of October, 1965 led us to Halifax, N.S., where we had the opportunity of meeting the Chief Justice of the Province, County Court Judges and Magistrates, Social Workers, Probation officers, Members of the John Howard Society and heads of correctional institutions, as well as the Dean and members of the teaching staff of the Law School of Dalhousie University. Also, thanks to the cooperation of the Attorney-General and his deputy, we were permitted to visit the Halifax City and county jails and the Good Shepherd House of Corrections.

Incidentally, I had been fortunate enough, on October 14 and 15, to attend the Institute on Pre-Trial Release Projects which took place in the City of New York under the auspices of the Vera Foundation and the United States Department of Justice.

In between these trips, our meetings continued unabated.

In the month of November, members of our committee visited the capital cities of the Provinces of New Brunswick, Newfoundland and Prince Edward Island. Wherever we went, we were cordially received by Chief Justices and other members of the judiciary, county court judges and magistrates, social workers, probation officers, psychiatrists, members of the John Howard Society and heads of correctional institutions, as well as the dean of the Law School and a professor of Criminal Law of the University of New Brunswick. We visited the Blue Mountain Work Camp, the Penitentiary at Dorchester and the Medium Security Institution at Springhill, N.S. Opportunity was provided to speak with as many inmates as one wished, as well as with training and custodial staff.

In Newfoundland, we were officially welcomed by Premier Smallwood as he presided at the opening of the conference on Juvenile Delinquency, part of which we attended. We visited Her Majesty's Penitentiary and the work camp at Salmonier, a pioneer institution. We also took in the Magistrates' Annual Conference.

In Charlottetown, P.E.I., we met with representatives of similar disciplines as in the other Atlantic Provinces, and also inspected the city jail, as we had done in Fredericton for the York County Jail and the Provincial Reformatory, a few miles out of the city.

During the month of December, we had the opportunity of meeting and conferring with the Commissioner of Penitentiaries and the chairman and members of the Canadian Parole Board. Later on, the latter's files were open for inspection for me for as long as I wished.

We also met in January with our two largest groups of consultants in Montreal and in Toronto respectively. At the end of the month, all the members of the committee left for Washington in order to keep an appointment with the director and members of the President's Commission on Law Enforcement and the Administration of Justice. Thanks to the kind and efficient cooperation of Mr. Marcel Cadieux, Q.C., Under Secretary of State for External Affairs, our stay in Washington was very fruitful, and were afforded the opportunity of meeting with key people in the United States Correctional Services, as well as in the Law Enforcement Branch, including the Attorney-General, the Honourable Mr. Katzenbach. We also visited a Pre-Release Guidance Centre but it was impossible for us, due to extremely poor weather conditions, to see other institutions as originally planned.

In the meantime, questionnaires prepared by our secretary and assistant secretary were forwarded to upwards of 125 institutions, faculties and individuals as to their research projects having some connection with our work, and we held regular reunions to go still deeper into the substance of our mandate.

At a meeting with the Solicitor General which took place in April of this year, an understanding was reached as to tentative estimates for the fiscal year 1966-67, as well as to the final wording of the elaboration of our terms of reference.

A bilingual pamphlet or brochure describing such terms of reference in detail, with a view to circulate the same amongst groups and individuals having informed opinions and doing or having done research in such matters all over Canada, was completed towards the end of May. It is planned to send copies of this brochure, which is presently in the hands of the Queen's Printer and which according to reasonable expectations will be ready for distribution around the middle of July to all newspapers, universities, boards of trades, labour unions, bar associations, members of the judiciary, welfare officials and all honourable members of the Senate and members of the House of Commons and others. It will be entitled: "The Canadian Committee on Corrections invites Written Briefs from the Public". Indeed, although our committee is anxious to have the advice and opinions of organizations and individuals in Canada, on how to build a better correctional system for our country, we cannot contemplate anything but written briefs. The brochure is made up of a list of questions under the following titles:

I—General Principles

II—Investigation of Offences

III—Procuring the Attendance of Suspect in Court:
Summons, Warrant, and Arrest without Warrant..

IV—Representation of the suspect

V—Conviction: Manner and Process

VI—Sentence

VII—Correctional Services, including parole, voluntary aftercare, women offenders, staff development, and the question of criminal records.

While working on this brochure, we took time off to attend the International Halfway House Association's Third Annual Conference in Windsor where we visited St. Leonard's House, and the Ontario Magistrates' Association's Annual Conference in Niagara Falls.

May I add that from June 12 until June 23 inclusively, we paid a visit to the Province of British Columbia. We attended the British Columbia Corrections Association's Convention in Vancouver, after having had a conference with the Attorney General and the Deputy Attorney General of British Columbia in Victoria, B.C. This trip permitted us to visit the recently inaugurated federal institution dedicated to drug addicts, at Matsqui, as well as such provincial institutions as the British Columbia Correctional Institution at Haney, the Minimum Security Institution at New Haven, the Halfway House at Marpole and Camp Allouette.

The chairman was also given the opportunity while in Haney, to be present at a hearing of the British Columbia Parole Board.

Accompanied by our assistant secretary, I had made it a point in the early Spring to visit the St-Vincent de Paul Penitentiary, Institution Leclerc, the Federal Training Centre and the Gatineau Minimum Security Camp after having had a conference with the Regional Director for the Province of Quebec. Later on, accompanied by the Director of Inmate Training Division of the Canadian Penitentiary Service, Mr. J. C. A. LaFerrière, I made a tour of the Kingston and Collin's Bay Penitentiaries, the Prison for Women and the Joyceville Institution. This, of course, was facilitated by the Commissioner of Penitentiaries and the Regional Director for Ontario.

It is also planned at the end of the summer to attend part of the Canadian Bar's 48th Annual Meeting in Winnipeg and the Canadian Association of Chiefs of Police's Annual Meeting at Vancouver, after which members of the committee will travel to California to study correctional institutions in that very progressive State.

Trips to Europe by one or two members, especially to England, the Scandinavian countries, the Netherlands, France and Belgium are being considered. The rest of Canada will be covered during the fall.

(Translation)

Messrs Joint Chairmen, members of the Committee, I should add that at the present time we are setting up teams with the help of our consultants and of experts from outside in order to have carried out on our behalf the best possible research on the subjects listed in the brochure which I mentioned a moment ago.

Finally the Solicitor General recently asked us to carry out a study, on a priority basis, of the construction of maximum security institutions whose plans were communicated to us and of which we were able to examine a well prepared model. Unfortunately we have not been in a position, up to now, to complete this study which is proving to be highly complicated in spite of the assistance we receive from experts in architecture and others. We do hope, however, to be able to provide a final report on this matter in the near future.

May I thank you for your kind consideration.

(English)

Mr. LACHANCE: If it were possible to file as an appendix to the proceedings a copy of this questionnaire and the brochure it would be helpful to the committee.

Mr. JUSTICE OUMET: I must say I have not looked at the questionnaire very closely. I know something about the brochure because we all contributed to it, but the subject matter of the questionnaire was included in the brochure. I do not know, Mr. Chairman, if you feel the brochure, which has not been sent out, should be included as an appendix.

Co-CHAIRMAN (*Mr. Watson*): I think it would be helpful if you could let us have copies of this brochure.

Mr. JUSTICE OUMET: As soon as it is in its final form.

Co-CHAIRMAN (*Mr. Watson*): Yes.

Mr. JUSTICE OUMET: I should be glad to do so.

Mr. LACHANCE: Would it be convenient to have the brochure distributed or filed with the committee?

Co-CHAIRMAN (*Mr. Watson*): I don't think it is possible to file it as an annex to the minutes of the meeting today because it is not yet in final form. I think it will probably have to wait for a while, and then as a courtesy to us perhaps Mr. Justice Ouimet's staff will see that we are furnished with a copy.

Mr. Justice Ouimet, when I say this, I am speaking on behalf of everyone here. We appreciate very much what you have told us today, and I wondered if it would be possible for you, even off the record if you prefer, to indicate to us whether you feel our committee in studying the state of penitentiaries as such is going to be overlapping something which you are doing in your Canadian Committee on Corrections. The feeling of this committee is simply that we do not want to set about doing something you are already doing, and this is what is worrying us at this time.

Co-CHAIRMAN (*Senator Benidickson*): I know that we all appreciate your report very much, Mr. Justice Ouimet, but we have a recess coming up and that presents a problem as to what work we should do during the recess, if any. I agree with my co-chairman; I think the discussion should be off the record. Is everybody agreed?

Co-CHAIRMAN (*Mr. Watson*): Does everyone agree that a short statement by Mr. Justice Ouimet shall be off the record?

Hon. Mr. FULTON: Unless he wishes it on the record.

Mr. JUSTICE OUMET: May I respectfully suggest that if I make a statement here it should not be off the record, and I respectfully suggest that you are asking me to pass judgment on the work of your committee. I do not know whether I have any capacity to do so. I have rendered some judgments in my life that were rather difficult, but this is the hardest one. I thought that by giving you indications of the kind of work we were doing it would be possible for honourable senators and members to come to a conclusion as to whether there was an overlapping or not, or whether there would be.

Hon. Mr. FULTON: I think it is our responsibility to do that on the basis of what you have said.

Senator PROWSE: It might be an interesting experience to see if we did overlap.

Mr. ALLMAND: When the steering committee has considered in more detail the statement by Mr. Justice Ouimet, we may be able to determine what areas the committee should investigate more thoroughly, and what to leave aside. I do not think we are in a position to make a definite decision on that now.

Co-CHAIRMAN (*Mr. Watson*): Could we have a motion now to the effect that we report to both houses with respect to a quorum? The Steering Committee has recommended a quorum of ten members.

Mr. LACHANCE: I move that our quorum be ten members.

Senator FERGUSON: I will second that motion.

Co-CHAIRMAN (*Mr. Watson*): The motion is carried. I think this is already included in our terms of reference, but the second point discussed by the Steering Committee was that of sitting during house hours. I think we might as well at the very beginning ask for permission to do this. We may be refused,

but is is worthwhile asking. I do not expect that the committee will be sitting during house hours, but having regard to the experience over the last few months in the house with jammed up sessions on Tuesdays and Thursdays it would be a good idea, I think, to provide that this committee sit in the evenings. Is the committee in accord with our requesting this?

Hon. Mr. FULTON: Do not forget authority to sit while the house is adjourned. I think you need that authority as well.

Co-CHAIRMAN (*Senator Benidickson*): Yes, if the Steering Committee so desires.

Senator PROWSE: Why not get the authority anyway?

Co-CHAIRMAN (*Mr. Watson*): We have a motion to this effect. I am not clear whether we need a motion to provide us expenses for a trip or two this summer. Perhaps we should have a motion to that effect because it may become necessary. May I have a motion re travelling expenses this summer?

Senator INMAN: I so move.

Mr. RICARD: I second that motion.

Mr. LACHANCE: Did we pass a motion to sit during adjournments?

Co-CHAIRMAN (*Mr. Watson*): Yes.

Mr. LACHANCE: Only for visits; not for sitting.

Co-CHAIRMAN (*Senator Benidickson*): It was thought that the Steering Committee would consider that. If in its judgment the whole committee has to meet during the recess then the committee will be called.

Senator PROWSE: Why not get all the authority you might need now?

Co-CHAIRMAN (*Mr. Watson*): We have had three motions and we have covered all the authority we need. Can we now have a motion to adjourn?

Hon. Mr. FULTON: The Steering Committee will report back if it can before the recess?

Co-CHAIRMAN (*Mr. Watson*): Yes.

The committee adjourned.



First Session—Twenty-seventh Parliament

1966-67

PROCEEDINGS OF
THE SPECIAL JOINT COMMITTEE OF THE SENATE
AND HOUSE OF COMMONS ON
PENITENTIARIES

No. 2

TUESDAY, JANUARY 24, 1967

JOINT CHAIRMEN

The Honourable Senator W. M. Benidickson, P.C.

and

Mr. Ian Watson, M.P.

WITNESSES:

Department of the Solicitor General: The Honourable L. T. Pennell, Solicitor General; A. J. MacLeod, Commissioner, Canadian Penitentiary Service; J. C. A. LaFerrière, Regional Director (Quebec Region), Canadian Penitentiary Service; I. B. Simpson, Facilities Planning Officer, Canadian Penitentiary Service.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

THE SPECIAL JOINT COMMITTEE OF THE SENATE AND
HOUSE OF COMMONS ON PENITENTIARIES

Joint Chairmen

The Honourable Senator W. M. Benidickson, P.C.

and

Mr. Ian Watson, M.P.

The Honourable Senators

Benidickson,	Inman,
Cameron,	Irvine,
Deschatelets,	O'Leary (<i>Carleton</i>),
Fergusson,	Prowse,
Fournier (<i>Madawaska-Restigouche</i>),	

Messrs.

Aiken,	Prud'homme,
Allmand,	Ricard,
Dionne,	Rochon,
Fulton,	Stafford,
Lachance,	Tolmie,
MacInnis (<i>Mrs.</i>),	Watson (<i>Châteauguay-Huntingdon-</i>
Matheson,	<i>Laprairie</i>),
McQuaid,	Woolliams.

(Quorum 10)

ORDER OF REFERENCE
(House of Commons)

Extract from the Votes and Proceedings of the House of Commons, Tuesday, March 15, 1966.

Mr. Pennell, seconded by Mr. McIlraith, moved,—That a joint committee of the Senate and House of Commons be appointed to consider the state of penitentiaries under the control of the Government of Canada and the plans of the Government in relation thereto with powers to report from time to time its observations and opinions thereon; send for persons, papers and records; adjourn from place to place; sit during sittings of the House; and print from day to day such papers and evidence as may be ordered by the committee, and that Standing Order 66 be suspended in relation thereto;

That 15 Members of the House of Commons, to be designated at a later date, act on behalf of the House as Members of the said committee; and

That a message be sent to the Senate requesting that House to unite with this House for the above purpose, and to select, if the Senate deem advisable, some of their Members to act on the proposed joint committee.

After debate thereon, the question being put on the said motion it was agreed to.

Extract from the Votes and Proceedings of the House of Commons, Tuesday, March 22, 1966.

On motion of Mr. Pilon, seconded by Mr. McNulty, it was ordered,—That a Message be sent to the Senate to acquaint Their Honours that this House will unite with them in the formation of a Joint Committee of both Houses to consider the state of Penitentiaries under the control of the Government of Canada and that the Members to serve on the said Committee, on the part of this House, will be as follows: Messrs. Aiken, Allmand, Dionne, Fulton, Lachance, Macdonald (Rosedale), Matheson, McQuaid, Prud'homme, Ricard, Stafford, Tolmie, Watson (Châteauguay-Huntingdon-Laprairie), Winch and Woolliams.

LÉON J. RAYMOND,
Clerk of the House of Commons.

ORDER OF REFERENCE (SENATE)

Extract from the Minutes and Proceedings of the Senate, Wednesday, March 23, 1966.

Pursuant to the Order of the Day, the Senate proceeded to the consideration of the Message from the House of Commons requesting the appointment of a Special Joint Committee of the Senate and House of Commons on Penitentiaries.

The Honourable Senator Connolly, P.C., moved, seconded by the Honourable Senator Hugessen:

That the Senate do unite with the House of Commons in the appointment of a Joint Committee of both Houses of Parliament to consider the state of penitentiaries under the control of the Government of Canada and the plans of the Government in relation thereto, and to report from time to time its observations and opinions thereon;

That nine Members of the Senate, to be designated at a later date, act on behalf of the Senate as members of the said Joint Committee;

That the Joint Committee have power to send for person, papers and records; to adjourn from place to place; to sit during sittings and adjournments of the Senate; to print from day to day such papers and evidence as may be ordered by the Joint Committee; and

That a Message be sent to the House of Commons to inform that House accordingly.

The question being put on the motion, it was—
Resolved in the affirmative.

Extract from the Minutes and Proceedings of the Senate, Tuesday, March 29, 1966.

With leave of the Senate,

The Honourable Senator Beaubien (*Provencher*) moved, seconded by the Honourable Senator Macdonald (*Cape Breton*):

That the following Senators be appointed to act on behalf of the Senate on the Joint Committee of the Senate and House of Commons to consider the state of penitentiaries under the control of the Government of Canada and the plans of the Government in relation thereto namely, the Honourable Senators Benidickson, Cameron, Fergusson, Fournier (*Madawaska-Restigouche*), Gouin, Inman, Irvine, O'Leary (*Carleton*), and Prowse; and

That a Message be sent to the House of Commons to inform that House accordingly.

The question being put on the motion, it was—
Resolved in the affirmative.

J. F. MACNEILL,
Clerk of the Senate.

Extract from the Minutes and Proceedings of the Senate, Thursday, June 30, 1966:

"The Honourable Senator Benidickson, P.C., from the Special Joint Committee of the Senate and House of Commons on Penitentiaries, presented the following report:—

THURSDAY, June 30th, 1966.

The Special Joint Committee of the Senate and House of Commons on Penitentiaries makes its first Report as follows:

Your Committee recommends that its quorum be fixed at ten (10) members, provided that both Houses are represented.

All which is respectfully submitted.

W. M. BENIDICKSON,
Chairman.

With leave of the Senate,
The Honourable Senator Leonard moved, seconded by the Honourable Senator Kinley, that the report be adopted now.

The question being put on the motion, it was—
Resolved in the affirmative."

J. F. MACNEILL,
Clerk of the Senate.

Extract from the Votes and Proceedings of the House of Commons, Tuesday, July 5, 1966:

"Mr. Watson (Châteauguay-Huntingdon-Laprairie), from the Special Joint Committee of the Senate and House of Commons on Penitentiaries, presented the First Report of the said Committee which was read as follows:

Your Committee recommends that its quorum be fixed at (10) members, provided that both Houses are respected."

LÉON-J. RAYMOND,
Clerk of the House of Commons.

MINUTES OF PROCEEDINGS

TUESDAY, January 24, 1967.

Pursuant to adjournment and notice, the Special Joint Committee of the Senate and House of Commons on Penitentiaries met this day at 9.45 a.m.

Present: For the Senate: The Honourable Senator Fergusson.—1.

For the House of Commons: Messrs. Watson (*Châteauguay-Huntingdon-Laprairie*) (*Joint Chairman*), Aiken, Allmand, Dionne, Lachance, MacInnis (Mrs.), McQuaid, Ricard, Rochon, Stafford and Tolmie.—11.

On motion of the Honourable Senator Fergusson, seconded by Mr. Tolmie it was RESOLVED that the Committee have power to engage the services of such technical, clerical and other personnel as may be necessary for the purpose of the inquiry.

The following witnesses were heard:

Department of the Solicitor General:

The Honourable L. T. Pennell, P.C., Solicitor General of Canada;

T. D. MacDonald, Q.C., Deputy Solicitor General of Canada;

A. J. MacLeod, Commissioner, Canadian Penitentiary Service;

J. C. A. LaFerrière, Regional Director (Quebec Region), Canadian Penitentiary Service;

Ian B. Simpson, Facilities Planning Officer, Canadian Penitentiary Service.

In Attendance: V. Richmond, Regional Director (Ontario Region), Canadian Penitentiary Service.

At 12.30 p.m. the Committee adjourned to the call of the Chairman.

Attest.

Patrick J. Savoie,
Clerk of the Committee.

THE SENATE

SPECIAL JOINT COMMITTEE OF THE SENATE AND HOUSE OF COMMONS ON PENITENTIARIES

EVIDENCE

OTTAWA, Tuesday, January 24, 1967.

The Special Joint Committee of the Senate and House of Commons on Penitentiaries met this day at 9.30 a.m.

Mr. IAN WATSON (*Châteauguay-Huntingdon-Laprairie*), Co-Chairman, in the chair.

CO-CHAIRMAN (*Mr. Watson*): I will call the meeting to order. Because none of the senators will be present this morning, I think the best procedure will be to ask for approval of our proceedings today at a subsequent meeting when we do have a quorum.

The first witness this morning will be the Honourable L. T. Pennell, Solicitor General. I would like to call now on Mr. Pennell.

The Honourable L. T. Pennell, Solicitor General: Mr. Chairman and members, ladies and gentlemen, I would like first of all to be granted the privilege of making a statement.

Mr. Chairman, I have asked to meet with your committee today for the purpose of placing before it certain materials relating primarily to the design of the standard maximum security institution which the Canadian Penitentiary Service proposes to build at the various locations set out in the ten-year plan of institutional development (one in the Atlantic region; two in the Quebec region, one of them at St. Anne des Plaines; two in the Ontario region; one in the western region).

To begin with, I should say that the standard maximum security design which we will be examining today was drawn up by the Penitentiary Service's own architectural team, after approximately three years of planning and designing.

Earlier this year, shortly after I assumed office, several members of the Canadian Corrections Association questioned certain aspects of the design and I came to the conclusion after consulting with the Commissioner, Mr. MacLeod, that it would be useful to submit the Penitentiary Service design to the Canadian Committee on Corrections for an opinion on it.

Accordingly, on April 21, 1966, I wrote on my own initiative to Mr. Justice Roger Ouimet, Chairman of the Canadian Committee on Corrections, to ask him to have his committee undertake an objective study of the proposed design, and to submit its conclusions to me as quickly as possible. I explained to him that because of the serious overcrowding which already exists in several of our maximum security institutions, any review at this time of the design produced by the Penitentiary Service architects must be treated as a matter of urgency.

There was some exchange of correspondence between Mr. Justice Ouimet and myself after that date, and we had a number of very amiable meetings, and then on November 10, 1966, Mr. Justice Ouimet forwarded to me a paper setting

out a number of criticisms of the Penitentiary Service design, and he also forwarded a detailed sketch of the design which had been drawn up by Mr. H. B. Kohl, architect, of Toronto.

I immediately forwarded these criticisms to the Commissioner of Penitentiaries, in order that he might consider them with his staff. The Commissioner then submitted to me a copy of a memorandum answering the various criticisms of the Canadian Committee on Corrections, and on November 29, 1966, I forwarded the Commissioner's memorandum to Mr. Justice Ouimet. I requested him to meet me to discuss the matter as soon as possible, and we subsequently had a friendly meeting to go over the whole matter again.

Today, I propose to have the departmental officials show the Committee a model of the maximum security design, and discuss it with you. I am also distributing for the information of members of the committee, the criticisms and memoranda which I received from the Canadian Committee on Corrections and the answer of the Canadian Penitentiary Service to the criticism. Finally, I propose to have the penitentiary officials show you some films, which illustrate in a very striking way the correctional philosophy which the service is attempting to put into action.

There are only a few more remarks which I want to make to the Committee at this time. One is that we all recognize that the overcrowding which exists in our maximum security institutions, particularly Kingston and St. Vincent de Paul, makes it imperative that we get on with the job of putting up new institutions with as little delay as possible. We are still forced to use the same "bucket cells" which the Archambault Committee condemned almost thirty years ago. Finally I will say a word or two about the problems which we face in constructing institutions of this kind, and the philosophy behind the existing plans.

To begin with, the Penitentiary Service has the difficult job of holding in confinement men whom the courts have decided are not fit to be at liberty in our communities. Some of these men have shown themselves capable of very violent behaviour while at large, and we know from experience they are also capable at times of violence within our institutions, by assaulting either guards or other inmates. I will be distributing today figures on assaults within our prisons.

At the same time, we all recognize that in our longer-run social interests, and in the interests of a humanitarian and enlightened policy, we must make strenuous efforts to reform these men once we have them in our institutions. Of course, this is not easily done, partly because in our federal institutions for the most part we get men who already have substantial criminal careers behind them.

You will appreciate that in many ways it is self-contradictory to say that we will attempt to reform men, while at the same time keeping them imprisoned away from society in unnatural conditions. However, in the present stage of our knowledge of human behaviour at least, this is a paradox we have to live with. Therefore, when designing institutions we have to try to strike a compromise between our two functions. By definition, a compromise is not perfection.

On the security side, as I have said, we have to keep in mind the kind of men we are dealing with. We owe a duty to the guards to protect them from violence. We owe a duty to society to see to it that the men we consider to be maximum security risks (that is, men who would make active efforts to escape and who would be dangerous if at large) do not escape. I call your attention to the recent furore in Great Britain concerning the rash of escapes there. Finally, we owe a duty to the inmates to protect them from assaults from other inmates, which is a very common occurrence in prisons everywhere. You will agree, I think, that an atmosphere of personal safety for all who live and work in a prison contributes in a major way to a lessening of tensions, and therefore to a better atmosphere for rehabilitation.

On the other hand, we must install positive facilities for rehabilitation in these institutions. The Penitentiary Service design has a number of features which seem to lend itself to this purpose:

the arrangement of the cells is such that inmates can be segregated into relatively small groups, according to their personal characteristics; recreational facilities and day rooms are provided in good measure; all cells have outside windows, quite a unique feature in maximum security prisons; the architects assure me that the interior layout is flexible, and can be adjusted to provide facilities for new programs in the future; there are good facilities for classroom training for inmates who want to improve their academic levels, and the industrial shops are designed to keep all the men busy and provide occupational therapy. Space is also available for religious functions, and there is adequate office space for personality counselling, etc.

In a few minutes, I shall distribute to the Committee a more detailed outline of the main features of the design.

We are all very anxious that the penitentiaries should become not merely places of confinement for docile, over-disciplined, persons, but that they should be dynamic places, with active and challenging programs designed to produce real results in the way of rehabilitation.

Of course, only time will tell whether this design will really produce the kind of results we want, in the form of lower rates of recidivism and some genuine rehabilitation of these difficult cases. In the meantime, I can assure you that some very hard work, and much thought, has gone into the design before you.

In closing, I would like to point out that the same team of experts who designed our medium security institution also designed this maximum security institution. It is acknowledged that the design of our medium security institution compares favourably with any in the world. The Canadian Penitentiary Service feel that they have dealt with this maximum security institution in the same responsible way.

CO-CHAIRMAN (*Mr. Watson*): Mr. Pennell, do you want to proceed now with having the film shown, or would you like questions directed to you now or afterwards?

Hon. Mr. PENNELL: May I respectfully suggest it might be helpful to the committee if we showed the film and the design, and I would then turn this part of it over to my officials.

Mr. AIKEN: Mr. Chairman, I would like to raise a point of order at this time. In view of the fact that we do not have a quorum and representatives of the Senate here, I think we should defer questions at this meeting. I did not raise any initial objection, because we have had difficulty in getting this meeting organized, and the fact that the senators are not here should not delay us in proceeding with this important work. I understand that the purpose of the meeting today is substantially, to hear the minister's statement, to observe the models and to view a film, and I think that if we restricted ourselves to that we would justify ourselves to the Senate members when they come back. Beyond that I think we should not go.

CO-CHAIRMAN (*Mr. Watson*): This seems a reasonable point of order to me. Does anyone else have any comment to add?

Mr. TOLMIE: When is it proposed to have another meeting when we can ask questions? The minister has had difficulty in getting to this meeting.

CO-CHAIRMAN (*Mr. Watson*): We are having a meeting on Thursday of this week to deal with the women's prison in Kingston. It would probably be possible

at some point during that meeting to raise questions. We will have the people from Kingston with us next week.

Mr. RICARD: Will the senators be present then?

Co-CHAIRMAN (*Mr. Watson*): The senators will be present, I would hope, on Thursday.

Hon. Mr. PENNELL: May I be permitted to make a comment in connection with next Thursday? I hope the committee will not take offence at the fact that the members of the Commission and myself and the Deputy Minister will be in Halifax, because some months ago we accepted an invitation to address the John Howard Society and meet with the officials in that province. This was long before we had any knowledge of the dates on which the committee would be meeting. They have already advertized that meeting and accepted it. I hope the committee will bear with us. The fact that we shall not be at the meeting on Thursday in no way reflects our views on the importance of the meeting you will be holding here. I hope you will agree that I ought to fulfil my obligations to the John Howard Society of Nova Scotia.

Mr. TOLMIE: We have been asked to come here this morning for questions to be asked of different officials, and we should be allowed to ask them. To organize another meeting may take weeks if we are to get the same officials back. They have taken up their time to come here and I think they should be given the opportunity to answer questions.

Co-CHAIRMAN (*Mr. Watson*): Mr. Aiken, I have been informed that the Public Service Committee have on occasions employed this procedure when they have lacked a quorum; they have asked a subsequent meeting for approval of the proceedings. Since we are not being called upon this morning to decide on any item, but are here more for the purpose of obtaining information, I wonder if you could agree to this procedure.

Mr. AIKEN: I did not know who it was intended to call. It was my impression that we were to hear the ministers' statement and see the films and the models. If we have other witnesses, I have no objection. My objection was founded on the fact that it will be an incomplete examination of the witnesses if the senators are unable to take part. I have no objection to statements being made by the officials if they can then be read by the senators, and form the basis of questioning at a later date. I have very grave doubts about the whole procedure but I do not want to cause difficulty. However, I do not think we should engage in questions without a quorum.

Mr. RICARD: Were the senators also invited?

Co-CHAIRMAN (*Mr. Watson*): The senators were invited by regular notice, by telegram and also by telephone.

Mr. STAFFORD: And still they are not here. My view would be that if anyone has any questions they should be allowed to ask them. The senators should have been here if they wanted to ask any. I cannot see what Mr. Aiken's objection is, because all anyone who badly wanted to come to this meeting had to do was to arrive here. I cannot see how the present position could affect asking questions after we have heard the minister's statement. It would be far more sensible to ask them now than at some time later.

Co-CHAIRMAN (*Mr. Watson*): Perhaps we could bring the proceedings to the attention of the senators who are members of this committee, and inform them that if they wish to question any of the officials who have made presentations here today, we will arrange a questioning meeting for them. Would that satisfy you, Mr. Aiken?

Mr. AIKEN: I do not want to cause difficulty, Mr. Chairman. I merely do not want to proceed illegally, and I have serious doubts about this procedure. It has

been done with other committees, but I have grave doubts about it. I will not press my objection any further, but I will not take any part in the questioning at the moment.

Co-CHAIRMAN (*Mr. Watson*): I notice that Mr. McQuaid has arrived, which means that we do have a quorum; we now have ten members present.

Mr. AIKEN: But do we have any members of the Senate?

Co-CHAIRMAN (*Mr. Watson*): No.

Mr. TOLMIE: It is enough that we have ten members of the committee.

Mr. AIKEN: We should have members of both Commons and Senate present. I think I have a valid objection but I do not press it. On the other hand, I do not want to proceed without raising it.

Mrs. MACINNIS: If Mr. Aiken has a valid objection, I think it would apply equally well to hearing the minister and the officials as to any questioning. If any part of our proceeding is valid, then the whole of it is valid and there is no need to hold over anything to another meeting; consequently, I think Mr. Aiken's objection is not well founded.

Mr. STAFFORD: I agree. This is a waste of time.

Mr. AIKEN: Then I say the whole proceeding is invalid. This is the trouble that arises when trying to compromise.

Mr. STAFFORD: This is a great way of not getting anything done.

Mr. AIKEN: I do not press my objection, but I still think it ought to be made. I believe it should be made for the benefit of the senators, who are not here, in case they object, and also as a matter of principle. However, I do not want to hold up the progress of the meeting if it is the wish of the committee to proceed.

Co-CHAIRMAN (*Mr. Watson*): Thank you very much, Mr. Aiken, for making this point.

Mr. Minister, would you now wish to go ahead with the film?

Hon. Mr. PENNELL: Yes, Mr. Chairman, I would. There is one further thing I would like to say at this point. I hope the committee will excuse me if I now leave. It is not that I want to evade questions; indeed, I may even be able to come back later. There is a Cabinet meeting this morning at which I have certain matters to deal with. As you know, the meeting of this committee planned for last Tuesday was cancelled.

There is one other thing I should bring to your attention. We acted on our own initiative in asking the Canadian Committee on Corrections to look at this design. They found a great deal of merit in our design and they also had some criticisms. I have had the correspondence mimeographed and it will be distributed to members of the committee so that they can see the criticisms. We went over the criticisms with the Commissioner and his staff and they answered them. You will see in the correspondence the initial criticisms and the reply. We had a very friendly meeting with Mr. Justice Ouimet and the Canadian Committee on Corrections, with whom our department is on the best of terms. After that we suggested that we should come to this committee and explain the design, and give you an opportunity to look at the criticisms and our answers.

If I may, Mr. Chairman, I would invite the Commissioner to take over now and introduce the officials who are here today.

Mr. A. J. MacLeod, Commissioner, Canadian Penitentiary Service: Mr. Chairman, the next presentation will be placed before you by Mr. Ian B. Simpson. An architect by profession, he is Facilities Planning Officer of the Canadian Penitentiary Service, located at our headquarters in Ottawa. He has been with us since early 1961 and has been intimately connected with the development of the philosophy and design of all our new types of institutions.

Also here this morning is Mr. V. S. J. Richmond, who has been in the Penitentiary Service for 40 years. During that period he has risen from the position of Guard Grade I—as it was known 40 years ago—until today he is Director of the Ontario Region for the Penitentiary Service. He is therefore intimately connected with the problems that arise in the Province of Ontario.

We also have here Mr. J. C. A. LaFerriere, who has been in the Penitentiary Service some 22 years. He has had experience as a Vocational Training Instructor, Deputy Warden, Warden and Director of the Inmate Training Division of the Canadian Penitentiary Service at our headquarters. He has recently been transferred to become Regional Director of our Quebec Region. He also, therefore, is intimately connected with problems in the Quebec Region and, what is perhaps more important, the development of the Inmate Training program for all our institutions across the country.

Perhaps now, Mr. Chairman, it would be proper to ask Mr. Simpson if he will make his presentation.

Hon. Mr. PENNELL: If I might interject for, I hope, the final time—we also have here the Deputy Solicitor General, Mr. T. D. MacDonald. When I leave I hope he will be permitted to occupy my present seat, and I hope to rejoin you later on this morning.

The CO-CHAIRMAN (*Mr. Watson*): I now call upon Mr. Simpson to make his presentation.

Mr. Ian B. Simpson, Facilities Planning Officer, Canadian Penitentiary Service: Mr. Chairman, in 1961 we had the problem of designing five new medium security institutions, each with a capacity of 450 inmates. One of these institutions was specifically for narcotic addicts. Subsequently, in 1963 we embarked on the design of the new maximum security institution. It is my task now to give you a very brief outline of the way in which we tackled the problem of the design of these two types of institution. As the medium security institution preceded the maximum security institution, and as the latter design is directly influenced by the former design, I will deal with that design first.

I think it is fair to say that the design of a medium security institution is more complex than that of a maximum security or a minimum security institution, because the very nature of “medium security” is undefined and varies greatly between jurisdictions. For instance, in California I think one could say that medium security starts off with a secure perimeter with towers, and in Wisconsin one can say that medium security is a “school environment” with buildings widely separated and the minimum of the visible means of security and control. I am thinking of Fox Lake.

In Canada, maybe we have compromised midway between these two viewpoints. We intend to have a greater proportion of our population in medium security institutions and to reduce as far as possible the population of our maximum security institutions. At the same time we intend in our medium security institutions to carry on a training program that will prepare the greatest number of inmates for a useful and law-abiding life once they have been released.

As a design philosophy for medium security institutions we started with the following proposition: “To provide an environment for the inmate that will as little as possible create in him a feeling of hostility—thereby mitigating against the Inmate Training program.” This does not provide very much that is tangible to the architect but it does provide a yardstick against which can be judged the solutions to the planning problem.

The concept of medium security can, in a way, be described as being the compromise between control and flexibility, between static security and dynamic security. Control to us means knowing all about the whereabouts of the inmate. Flexibility means the ability to carry out varying programs with the minimum of

impediment by way of custody and the ability to change those programs as required over a course of years. Static security to us means physical features of buildings such as bars and barriers, locks and keys and the very fabric of the walls. Dynamic security means the activities of a well trained, active and alert staff who can see what is happening and sense the temper of the institution.

We found in our planning that it was possible to divide the physical requirements of space in a medium security setting into five groups or centres. A working group, primarily workshop or "daytime activities building"; a living group, which consists of the cells and day room spaces; a community centre, which consists of those facilities needed particularly for the evening program, but also for the day-to-day running of the institution; special handling, which includes such facilities as sick-bay, the reception-orientation unit and dissocation. The whole depending on an administration centre. I have indicated on this diagram in Slide 1 by two black lines the units to and from which the major amount of traffic by way of inmate movement will occur particularly during the evenings.

I have already mentioned the capacity of 450 inmates and I have noted down four further items of planning criteria which we decided were relevant: segregation by classification, in other words the ability to keep inmates separate in accordance with their characters or training needs; movement control, meaning the ability to so control movement around the institution that the needs of security are met; flexibility for changes, which means the ability to so alter and adapt buildings that in the future years they can be changed as programs change; finally, satellite planning, which means that outside the perimeter fence there are certain facilities that are common to several satellites or institutions. These consist of items like central administration, central heating plant, central stores, water supply, sewage disposal, etc. The plan we have evolved for our standard medium security institution, therefore, reflects these planning principles. A single 14-foot high wire fence encloses an area of approximately 35 acres. A gate house controls all pedestrian movement into the institution, and a main control located at the cross-roads of the walkways is the nerve centre of the institution. The five centres can be clearly seen in Slide 2; workshops, living units, community centre, special handling and administration. You will recall the double line indicating the increased traffic during evening hours between living units and the community centre.

I will now show a few slides taken at Cowansville Institution. On the left of Slide 3 is main control, and you are looking at the slatted walkway which connects the living units to the community centre. This walkway is unheated, provides the degree of control of movement that we need and gives a remarkably clear view of the surroundings as you walk along it.

In Slide 4 the view from alongside the control centre looks back towards the main gate.

In Slide 5 the view, turning 90° to the left, looks towards the special handling unit with the blue door to the sick-bay at the end.

The view in Slide 6, again 90° to the left, is looking down the walkway to the living unit group.

Slide 7 shows a view, again 90° to the left, looking down towards the community centre.

You will recall from the planning diagram that we have established a series of courtyards which are to a degree enclosed, sufficient to control movement of inmates and Slide 8 shows the view of the courtyard at the community centre with the dining hall on the right-hand side. Beyond the concrete slatted wall on the left are located the two chapels and the institutional services building.

Slide 9 is a view looking out of an inmate dining room, of which there are two, into the courtyard of the community centre. The large building in the

background on the left is the exercise-auditorium and on the right-hand side is the school-library building.

Slide 10 shows the same courtyard and the school-library building is on the right-hand side.

In Slide 11 you see that the special handling group of buildings located around this courtyard consists of the sick-bay on the left, dissociation ahead of you and the reception-orientation building on the right-hand side. We call this group of buildings "special handling" because to this group of buildings inmates do not normally go. The major traffic is the morning sick parade; the inmates in the reception-orientation buildings are working under a completely separate program from the rest of the institution.

The view in slide 12 from the special handling courtyard shows the living accommodation buildings on the right and the administration building in the distance on the left; you can just see the covered way connecting the two. The living units are two stories in height, there are four of them and each contains 108 single cells disposed radially from a central control area.

The four living units are grouped round the courtyard and this view in slide 13 shows the point at which the covered way enters the courtyard.

In slide 14 you see all four buildings, the first immediately on your left, the second in the distance on the left, the third in the distance on the right and the fourth on the right-hand side. The roadway that you see leads to the workshops' area, and all inmates going to work each morning and each afternoon walk along this roadway from their living units.

We have devised a concrete sun screen shown in slide 15, which provides us with the static security we feel we require in the living units. Behind this is an ordinary aluminum double hung sash.

Going to slide 16, in this view of a typical cell you can see the concrete sun screen outside the window and the buildings beyond it, the double hung sash, the bed, a desk and chair, a clothes closet and the speaker unit for sound which includes music on four channels. The lighting fixture is a twin fluorescent tube unit on the ceiling.

The view in slide 17 will indicate to you the planning concept of the split level control centre from which the full length of two corridors, one up and one down, can be seen from the control room. There are three such double corridors in each living unit.

That then is a very quick run-through of the Medium Security Institution. The model at the end of the table is of this institution.

As I said earlier we intend to have the larger proportion of our inmate population in medium security and the bar chart at the top of this diagram in slide 18 indicates the three main groupings: 15 per cent in minimum security, 50 per cent in medium security and 35 per cent in maximum security.

When in 1963 we came to the problem of designing a maximum security institution we soon realized that there were very few, if any, precedents on which to base our design. There was, however, a principle or concept that had been incorporated in earlier designs and which seemed to us still valid. We call this "The Dome Concept", and I will quickly run through a few slides illustrating this concept.

The older institutions were all multi-classification institutions. They looked after the full spectrum of the inmate population. The better inmates were working in the more critical areas and the worst inmates were to a certain extent influenced by the behavior of the better inmates. In the Canadian Penitentiary Service we have already removed all the minimum security inmates into some form of camp institution and we have already removed a number of medium security inmates. All will be moved by the time the new maximum security

institutions are completed. What we will have left, therefore, in the new maximum security institutions is the true maximum security inmate and within this narrow spectrum of 35 per cent there are obviously the best of the maximum and the very worst of the maximum.

The old concept of radial prison, based upon the central dome, a courtyard, walls and towers, can be said to be a very effective design. Inmates were either in their cells or in the courtyard; control by the officers in the dome and in the towers was excellent and there were no blind spots.

Time passed and with changing concepts additional facilities were added shown in slide 19. Nevertheless, control, although somewhat tenuous in the units removed from the dome, was still satisfactory.

Time passed and the introduction of inmate training programs necessitated the construction of new buildings. These had to be within the perimeter security of the wall and now in slide 20, you can see a situation which is certainly typical in Canada; and I think is fairly typical in a good many other institutions. The recent Mountbatten report indicates that in the U.K. the same situation exists. Whereas the tower officers now have control only of the perimeter, the dome has no control whatsoever over the outlying buildings and there are great shadow areas within the courtyard which are unseen either from tower or from dome. This was the state at St. Vincent de Paul Institution when the riot of 1962 occurred and two million dollars worth of damage was done to the institution.

We feel, however, that the "Dome Concept" is a valid one, because to us the first principle of maximum security planning is control, and by that we mean specifically control of inmate movement. This is effected by vision, by communications, by arms, by barriers and by programmed movement. This is illustrated in slide 21. Movement through the dome can be as tight or as free as the temper of the institution allows, and all movement is seen by and permitted by dome control. In our maximum security design this is our first principle. From there we went on to decide that the cells should be in small units but with good visual supervision, that inmate movement should be reduced as far as possible by providing activity space in the cell units and congregation of inmates should be limited to 50 or 60 inmates, that officers should be protected as far as possible from unprovoked, impulsive attack and enabled to report quickly. Above and beyond everything we had to exercise economy, both in construction and in the operating cost of the institution.

In our planning criteria we decided that the population of 450 inmates should be segregated into three distinctly separate cell units, each of 150 cells and each with its unit control. In planning each of these units they were divided into five separate groups of 30 cells giving us the possibility of 15 different segregations within the total of 450 cells. You see this in Slide 22.

We analyzed the remaining facilities required and found that they fell into three distinct groups: firstly, administration, reception, visiting, staff facilities, 24-hour control centre and the pedestrian entry; secondly, sick-bay, chapels, exercise-auditorium, dissociation and access to the recreation field; and thirdly, workshops, maintenance, sub-station, loading dock and the sally-port for all supplies. You will note from Slide 23 that there is no kitchen, no laundry, no boiler plant, no stores, no vehicles and no housekeeping administration. In maximum security planning, we feel that these latter do not belong within the perimeter security of the institution. They belong outside and in our planning are common to a number of satellites each with its population of 450 inmates.

Therefore, we arrive at the component parts of the institution indicated on Slide 24: the three living units for 150 inmates each; and administration building; a special handling building; a workshops building for all daytime training activities and the dome control. How to put them together?

Slide 25 shows the lay-out plan. You will see the component parts assembled into a compact unit of the three living units and the three facility buildings

all connected to the dome, either by the lower floor of one of the wings of the cell unit or a separate corridor. Within this grouping there are six small yards, which will be highly landscaped and used by inmates on a basis of privilege for walking and sitting out. Around the building group we are installing a double wire fence with four towers enclosing an area of approximately 24 acres, of which approximately 8 acres are set aside for a recreational field. You will note that the three activity buildings can all be expanded sideways, whereas the accommodation buildings cannot easily be added to.

I have some photographs of the model of this institution, which is on display, and from the view in Slide 26 you can see the component parts: the three living units, the three facility buildings and the corridor system.

This more oblique view in Slide 27 gives you a better appreciation of the design; the main pedestrian entry is on the bottom left-hand corner and the way to the exercise field is on the right-hand side. The sally-port entrance is at the top left-hand side. The dome is in the centre of the group and all movement from any cell block to any of the three activity buildings passes through this dome.

Slide 28 is a nearly vertical view with the roofs taken off of the three activity buildings: the administration building at the bottom of the slide, the shops building at the top left-hand side and the special handling building on the top right-hand side.

Slide 29 is a vertical photograph looking down at the administration building, and in this building we have located the main control and communications centre, controlling all pedestrian entry into the institution. The Deputy Warden's Department is on the right-hand side with the small reception-discharge unit; on the left-hand side visiting and staff facilities such as cafeteria and lounge.

Within the special handling building, as shown in Slide 30 we have located on the right-hand side the sick-bay, in the centre right the two chapels and a clothing issue unit. In the centre on the left the auditorium-exercise hall equipped for volleyball, but not basketball, and for the showing of movies and other forms of group recreation. On the left-hand side is the dissociation unit in two parts with its own walled exercise yard.

The workshop, shown in Slide 31, is one large shell of a building which will be subdivided to meet our training requirements. In it will go all the workshops, and such other daytime training spaces as we find necessary. All internal partitioning will be non-load-bearing and, therefore, movable, and the size of the building has been designed on the basis of a total inmate occupancy of approximately 320 out of the 450 inmates in the institution. All in separate small spaces.

This close-up view in Slide 32 shows you the dome, the three cell wings come to the dome on the second floor but on the lower floor are three corridors and the slide shows you the three other corridors leading off from the dome to the three activity buildings.

This vertical view in Slide 33 shows you the second floor of the link between the dome on the right and the living unit control on the left.

In Slide 34, this control centre, which is again at split-level, will be located an officer who controls the locking and operating devices of 150 cell doors on five floors. Disposed around the control centre are six multi-purpose type of rooms that we call day rooms, in which any form of training activity or evening activity for small groups can take place. This oblique view of the living unit control centre also shows the exit door into the internal courtyards, two of which belong to each of the living units.

Finally, to supervise activities in these six courtyards, above the dome is located a third floor with three look-out supervision points for custodial staff. Which you see in Slide 35.

The model from which these photographs were obtained is the one at this end of the table.

CO-CHAIRMAN (*Mr. Watson*): Thank you very much, Mr. Simpson. Mr. Simpson would now like to show members the actual model on the table. If members gather round the table he will be able to point out the various features to them.

Upon resuming:

CO-CHAIRMAN (*Mr. Watson*): I think we now have a legal quorum, with the arrival of Senator Fergusson.

Mr. MacLeod, who will testify before the committee in a minute, has mentioned to me that it would be possible for Mr. Simpson to give the committee an outline of the special correctional institution at St. Vincent de Paul. As you have probably noted, there have been some objections to this special correctional institution. Would the committee care to have a brief exposé of this special correctional unit? What is the feeling of the committee? Would you be interested?

MR. STAFFORD: Most of us have seen it, I think.

CO-CHAIRMAN (*Mr. Watson*): Is anyone here particularly interested in having it described? Otherwise we will proceed with Mr. MacLeod's testimony.

MR. TOLMIE: Let us proceed with Mr. MacLeod.

CO-CHAIRMAN (*Mr. Watson*): Mr. MacLeod.

MR. MACLEOD: Mr. Chairman, I have no prepared statement. I was hoping that perhaps there might have been some indication before me concerning matters upon which a statement might have been desirable. However, I and the other officials here are prepared to answer questions if questions are to be asked.

MR. STAFFORD: Would it be a good idea if you were to tell us the criticisms the minister mentioned and for us to base our questions on those?

MR. MACLEOD: They are at the end of the bundle of correspondence which has been distributed.

CO-CHAIRMAN (*Mr. Watson*): Perhaps, Mr. MacLeod, you could outline the major objections which were raised concerning the design of the maximum security units.

MR. AIKEN: At the same time giving his own views on the objections.

MR. MACLEOD: It seems to me that the objection we heard most often from the small committee representing the Canadian Corrections Association concerning the maximum security design was an allegation that it lacked flexibility. However, we never, as far as I could comprehend, received any specific observations or examples of the way in which the design you have just had exposed to you lacked flexibility.

It was our feeling that, since the three main buildings of operation could be extended as far as was necessary at any time, in the administration building, the special handling unit and the workshops area, it was therefore possible, at any time when the need arose for more activity or program space, to extend the buildings.

We thought it was desirable not to have flexibility in the living areas, because we have seen too many examples in the development of prisons, in this country, the United States and England, where a prison has been designed for, say, 500 inmates, but as time went by it has been decided that rather than build a new institution more living space should be provided. Consequently, in Canada we have seen institutions grow from 450 to 700 inmates, and in the case of St. Vincent de Paul to 1,000. In the United States, at Jackson, Michigan, an institution originally designed for 1,000 inmates has now been expanded to the point where it can hold 6,000, and today holds 4,500.

In developing our system we felt it more desirable to limit the extent to which the inmate population of an institution could be increased. In 1956 the Fauteux Commission recommended that no prison in Canada should have more

than 600 inmates, and we thought we were doing very well indeed when we were able to persuade the Treasury Board that there should be a maximum of 450 inmates in any one of our institutions. If the Fauteux Commission thought it should be possible to carry on an effective training program for 600 inmates, we thought it would be possible to carry on an even more effective one for 450 inmates and still ensure that the Canadian taxpayer was getting the best value for the millions of dollars that were to go into prison construction. Therefore, we did not think that the criticism on the ground of flexibility was valid.

There was some suggestion, which we found a little difficult to understand, that the design was repressive, on the ground that there was too much corridor space, I guess. However, we were satisfied that far from being repressive this design would give a feeling of openness. Indeed, the construction at St. Anne des Plaines has now proceeded to the point where our expectations in that respect have been borne out, because a number of our officials were there last week and they say it was far from being repressive, because the width of the corridors and the fact that they are not long corridors compared with other types of prison design give a feeling of spaciousness. This will be especially the case when the walls have been painted in appropriate colours.

Those were the two main grounds of criticism as I recall them. Mr. Simpson may recall one or more others, but those to me were the two main objections, and we felt that they were not valid. Indeed, there is no other institution design that has been shown to us that would not suffer the same criticisms in at least equal, if not greater, degree.

CO-CHAIRMAN (*Mr. Watson*): Are there any questions at this point?

Mr. STAFFORD: The minister mentioned that three years' planning went into the design of this penitentiary. Is that right?

Mr. MACLEOD: That is right.

Mr. STAFFORD: How many people have you in the Penitentiary Service?

Mr. MACLEOD: We have a staff of approximately 3,800 at the moment.

Mr. STAFFORD: In designing this penitentiary over the three years, do you have the benefit of the opinions of all those 3,800?

Mr. MACLEOD: No, not by any means, but we feel that through our Wardens' Conferences, Deputy Wardens' Conferences and conferences between various people working in institutions, such as classification officers and assistant deputy wardens, we were able to determine pretty broadly what our staff wanted to have in the design of a new institution to provide appropriate custody and be able to carry on an effective training program.

Mr. STAFFORD: Would there be anyone in Canada more qualified to suggest the requirements of a prison than those groups?

Mr. MACLEOD: No, I should think not, because our people have worked under the very ancient system whereby an inmate spent 16, 17 or 18 hours a day in his cell and for the rest of the time was out either breaking large stones into little stones, picking oakum or doing other such unproductive work. They have worked in institutions where that situation prevailed and have seen the Inmate Training program develop over the years, until it is now a very broadly based program. Instead of the inmates being in their cells for 16, 17 or 18 hours a day, the vast majority of them are in larger cells for only 7 or 8 hours a day and for the rest of the time are out engaged in institutional activities.

These people are experienced. They have over the years determined and seen in operation the character of the Canadian criminal. The Canadian criminal cannot necessarily be compared with the English criminal, the American criminal, the Spanish criminal or the Italian criminal. We have special problems in this country, and it was our feeling that we must design a program of training and a system of institutions appropriate for Canadians, and that is what we have tried to do.

Mr. STAFFORD: Would I be correct in assuming that most of these people who have worked their way up in the Penitentiary Service have a great interest in the rehabilitation and welfare of the inmates?

Mr. MACLEOD: Absolutely. They would not have remained in the Penitentiary Service for all these years if they were not genuinely interested.

Mr. STAFFORD: I take it there would be no other group of people in the world who would have the vast knowledge of conditions in penitentiaries and what is needed than these people have?

Mr. MACLEOD: Well, in the United States, if the Director of the Federal Bureau of Prisons were going to design an institution in his country I would expect him to seek the counsel and views of people experienced in his federal system.

Of course, one of the interesting things about the development of both these institutions, the medium security and the maximum security institutions, during which we had the opportunity to consult with an American architectural firm in St. Louis, was that when these institutions were designed the correctional consultant to that firm, a man who sat in on our discussions on design, was the former Deputy Director of the United States Federal Bureau of Prisons, who since that time has been appointed Director of the Federal Bureau of Prisons. Therefore, in developing this design we certainly had the benefit, not only of the experience of our own people in Canada, but also one of the most experienced men in the United States.

Mr. STAFFORD: Actually, any objections would be matters of opinion, would they not?

Mr. MACLEOD: I think one would have to say that there is no perfect design of a prison program or of the physical attributes of a prison.

Mr. STAFFORD: Would you agree with the minister that it is a matter of compromise, and, by definition, compromise leading to perfection?

Mr. MACLEOD: Absolutely. Some people who observe the correctional scene in Canada will say the most important thing is security, that you must so operate your prisons that no one can ever get away until his term has expired or until he is released on parole. Another person, equally sincere, will say, "We can run the risk of a fair number of escapes in our system, therefore we should be ready to sacrifice security in the interests of having a more intensive program." It is a matter of compromise between those two extremes.

Mr. STAFFORD: The architects you hired in the United States were experienced and qualified in designing prisons, were they?

Mr. MACLEOD: Yes.

Mr. STAFFORD: Do you feel they were equally experienced and qualified as the architect hired apparently by the Canadian Committee on Corrections, named in this letter we have here?

Mr. MACLEOD: I really do not know what Mr. Kohl's experience has been. I had been led to understand that he had done some work in Ontario, I think in the design of a women's prison in the Province of Ontario. I do not think his experience has gone beyond that, but I certainly do know that in developing his design for the Canadian Committee on Corrections he had many hours of consultation with our Mr. Simpson.

Mr. STAFFORD: In designing a prison perhaps the greatest benefit an architect gets is the advice he receives from the people who have the most experience?

Mr. MACLEOD: Oh, yes. I would go so far as to say that architects of themselves do not know a great deal in the beginning about correctional programs, correctional principles or correctional planning. They look to the person who has a requirement for some kind of an institution or building. When the

person making the demand, who has the requirement, interprets his needs to the architect it is then the problem of the architect to reflect those needs and satisfy them in a building or series of buildings. This applies in the development of large department stores, I should think, in parking lots or parking buildings. Any kind of construction must, I think, reflect the fulfilment of a need by an architect pursuant to a demand by a subscriber.

Mr. STAFFORD: It has been said that Canada is leading the way in prison reform. Do you agree with that?

Mr. MACLEOD: I think we are certainly in the vanguard. I am not going to say we are first, but I know of no other country in the world that is doing so much so quickly. We have been in consultation at international conferences; we attend the annual meeting of the American Corrections Association; we talk with our colleagues in the United States; we put on a program for 300 American correctional administrators in Baltimore last August, which was extremely well received. We have a fine on-going program, and the volume of our mail demonstrates the interest of other countries in what we are doing.

Mr. STAFFORD: The minister said that the medium security prison already designed is one of the best.

Mr. MACLEOD: I have no hesitation in saying there is not a better medium security prison in the world. Again it is a matter of opinion.

Mr. STAFFORD: Is it correct that the same architects who designed the medium security prison also designed the maximum security prison?

Mr. MACLEOD: Yes, the same correctional people, the same group.

Mr. STAFFORD: With the advice of the people who apparently know most about it?

Mr. MACLEOD: That is right. The maximum security design was designed for 50 per cent of our inmate population, 15 per cent going into minimum security. We were designing an institution that would be for the worst one-third of our inmate population. The design of the maximum security institution was a direct development out of the design of the medium security institution.

Mr. STAFFORD: Do I understand that Mr. Simpson is an architect?

Mr. MACLEOD: Yes, he is an architect by profession.

Mr. STAFFORD: The minister mentioned in his opening statement that there were figures on assaults. Are these available?

Mr. MACLEOD: Yes, I have some here. These are assaults upon officers over the last six years. In 1961 there were 17, of which 15 occurred in maximum security; in 1962 there were 25, of which 19 occurred in maximum security; in 1963 there were 33, of which 30 occurred in maximum security; in 1964 there were 31, of which 29 occurred in maximum security; in 1965 there were 28, of which 24 occurred in maximum security; in 1966 there were 28, of which 18 occurred in maximum security.

I would say that those assaults were not limited to cases where an inmate takes his tray and throws it in an officer's face, or perhaps jabs him in the shoulder. These are somewhat serious assaults that in most cases require some degree of medical treatment upon the officer.

Mr. STAFFORD: When I was at Kingston Penitentiary a few months ago the warden mentioned a case in the workshop when a prisoner suddenly got up and assaulted the workshop manager very seriously merely because he mentioned that the man should get a haircut. Do you remember that?

Mr. MACLEOD: No, I do not remember that case myself, but I am not surprised.

Mr. STAFFORD: But that would be an example of a typical assault, would it?

Mr. MACLEOD: That is right.

Mr. STAFFORD: There must be some form of correction or punishment for such people, otherwise there would be no way of correcting it.

Mr. MACLEOD: That is right. We have disciplinary proceedings, depending upon the degree of seriousness of the assault. If it was very serious the inmate would be charged in an outside court. It is a matter of judgment in each case whether the man should be charged in an outside court or be dealt with by a disciplinary body of officers within the institution.

Mr. STAFFORD: Judging by what you have said already, I take it the special correction unit would take care of these cases?

Mr. MACLEOD: That is right.

Mr. STAFFORD: The aim being to rehabilitate those already in maximum security?

Mr. MACLEOD: That is right.

Mr. TOLMIE: Mr. MacLeod, your Commission has judged that perhaps 35 per cent of the inmates would be incarcerated in maximum security prisons. Is that correct?

Mr. MACLEOD: That is right.

Mr. TOLMIE: That would be one out of three prisoners. This means, as I understand, they would endeavour to escape?

Mr. MACLEOD: You cannot be arbitrary, but we say they are likely to make efforts to escape; some may, some may not, but they are likely to; they have demonstrated by their conduct in the past as we have observed it that they have an attitude towards this idea; there are personality features in the group of those likely to make active efforts to escape, and if they do they might very well be dangerous to society.

Mr. TOLMIE: Are you trying to say, then, that one out of three prisoners has that characteristic, that they would try to escape and if at large be dangerous to the public?

Mr. MACLEOD: Yes, I would say that those are the views of our officers. In coming to this conclusion we did canvass our experienced officers. This is not an egg-head view taken by non-prison experienced people at Ottawa; it is the judgment of our experienced people.

Mr. TOLMIE: Would most of these inmates be imprisoned for crimes of violence?

Mr. MACLEOD: Yes, in maximum security. Well, let us say that the majority of the inmates in maximum security are there for offences of breaking and entering and theft, offences against property, but offences involving a threat of violence even if violence was not used. Another large category is that of the armed robber. The armed robber may not actually use violence, but he carries a weapon of some description and is capable of using violence.

Then there is the psychopathic type, the completely unpredictable prisoner, who never reckons the consequences of his conduct, who wants always to take the shortest path between A and B in fulfilling his desires or achieving his objectives and is readily, or at any rate usually, given to violence in his conduct. These are unpredictable types; all you know about them is that they are psychopaths and are dangerous.

Mr. TOLMIE: Who determines whether a prisoner goes into a minimum security or maximum security prison?

Mr. MACLEOD: It is done by a classification board in each region. That classification board is under the direction of a psychologist, usually a psychologist from the regional headquarters, and a classification officer, one of the treatment officers from each of the institutions in the region. They sit down, go

through the files and come to a judgment where the inmate should go, whether he should be graduated from maximum security to medium or go from medium to maximum?

Mr. TOLMIE: Do you have any influence on that decision?

Mr. MACLEOD: No, I try not to.

Mr. TOLMIE: Do you though?

Mr. MACLEOD: I could.

Mr. TOLMIE: But do you?

Mr. MACLEOD: No, I do not.

Mr. TOLMIE: As far as the training program is concerned, I understand rehabilitation will be emphasized even in the maximum security prisons. What is the nature of the program, what facilities do you have and what staff in the maximum security prisons?

Mr. MACLEOD: All we can do is to try to carry on the same kind of program that we are carrying on in medium security, making allowances for whatever limitations are imposed by the nature of the inmates we have. We have to try to motivate the inmate to want to improve himself first, and our medium and minimum security inmates are those who have shown the greatest motivation to improve themselves by reason of their prison experience. Our maximum security inmates are most likely going to be those who have shown the least motivation to change their attitude.

We will have the usual skill of classification officers; we will have psychiatric services available, psychological services, school teachers, trades instructors—all the things that go on in any kind of prison setting where you are trying to change attitudes and bring about improvements.

Mr. TOLMIE: I realize that your aims are laudable, but I am just wondering how realistic the realization of these aims will be. As I understand it, there is a very severe shortage of psychiatrists, psychologists and teachers, and most will not go to a penitentiary to teach or participate, (a) because they do not like the atmosphere, and (b) because they do not like the pay.

Mr. MACLEOD: Well, that may be. It is only fair to say that as of, I think, a month or so ago we had 29 positions for psychologists, of which I understand 14 were filled, so we have 15 positions open. The scales of pay for psychologists set by the Treasury Board conform with those paid, as I understand it, to psychologists for other Government departments such as National Health and Welfare, Veterans Affairs, Northern Affairs and National Resources.

We do our best to make the salaries for psychologist competitive. My recollection is that they vary from \$6,500 to, for a Psychologist I, I would say, \$8,500; the top grade of psychologist would go up to \$10,300, and with a special allowance for working in maximum security of \$750 it would give him \$11,000 a year. That certainly is competitive, as I understand it, in the Province of Quebec, where the provincial government pays from \$10,000 to \$12,000 a year.

Mr. TOLMIE: I am not so concerned with the monetary aspect. I can sympathize with the position. I know from my observation and from information given to the Supply Committee that though the monetary compensation is comparable with other positions, there is still a reluctance on the part of certain personnel to enter the Penitentiary Service. In view of this, would you agree that if your program is to be realistic and beneficial you should have added monetary inducements?

Mr. MACLEOD: Yes, I think we encounter this in every penitentiary field when it comes to staffing. There are many social workers who do not want to work in penitentiaries; there are a lot of psychiatrists who do not want to work in penitentiaries; there are a lot of schoolteachers who do not want to work with penitentiary inmates, but who would be quite happy to work with some other

government departments. It is one of the problems we are trying to beat, and we are succeeding a little, I think.

Mr. TOLMIE: You are working on that?

Mr. MACLEOD: Oh yes, very much so.

Mr. TOLMIE: The special handling building intrigues me a little. What is the actual nature of this building and what is in it?

Mr. MACLEOD: We call it the special handling building because it is the place where people go, not as an ordinary part of the routine of the institution. The routine of the institution is, shall we say, starting in the morning, having breakfast in the living unit where the person is, one of the 15 living units, the inmate will have breakfast either in his cell or in the common room attached to his particular group, his particular cell unit; he will then go to his employment, to school or whatever his training program is for the morning; he will have his lunch, then go through the program in the afternoon, carrying on with the morning program; go to dinner, and then in the evening there would be recreation groups or study groups. This represents the routine for the vast majority of the inmates.

However, there is a group of inmates who have to go to the medical officer in the morning. There is a group, for example, of those who, having been on sick parade, are in the sick bay for hospitalization. There is a group of those who are under discipline, who have been disciplined and, in effect, sentenced to imprisonment within the prison for a period of days—three days, seven days, ten days, sometimes fourteen days.

Mr. SIMPSON: In maximum security we classify chapels and auditoria as part of that group, because they are not part of the normal routine.

Mr. MACLEOD: As Mr. Simpson says, chapels and auditoria are included. Chapel is not a daily activity. In maximum security, auditorium will not be a daily activity, because the congregation of inmates would not be more than 100, shall we say, possibly 125.

Mr. TOLMIE: Getting back to this special handling—

Mr. MACLEOD: These are all activities that go into it.

Mr. TOLMIE: I see; and part of it, but not exclusively, is the punishment aspect?

Mr. MACLEOD: Yes.

Mr. TOLMIE: Is there provision for corporal punishment in this particular unit?

Mr. MACLEOD: Yes. There will be corporal punishment until our regulations say that corporal punishment will no longer be a punishment to be imposed for disciplinary offences, or until the criminal code says that corporal punishment is no longer a judicial punishment under law. While the criminal law of Canada provides for the imposition of a sentence of corporal punishment by a court in conjunction with a penitentiary sentence we must have facilities to carry it out.

Mr. TOLMIE: I quite agree with that, but in your experience—perhaps this is a general question which is very hard to answer—in some instances is corporal punishment more effective as a deterrent than, say, solitary confinement?

Mr. MACLEOD: I do not mind expressing my personal opinion on this, because I have done it before. I do not believe in corporal punishment as a matter of principle, any more than I believe in capital punishment. I think it is necessary for us to have it as disciplinary punishment in our maximum security institutions, because when you have an inmate who the psychiatrist says is not mentally ill but who time after time does everything he can to frustrate the administration, by way of assaulting officers, assaulting other inmates, possibly setting fire to government property or smashing up government property, who is put in dissociation, even to the extent, shall we say, of taking away his mattress

for an evening or two, who is put on a reduced diet which will give him bread and water for breakfast and supper and a full main meal without dessert at lunch time, yet none of these things does any good, there comes a time when all that is left is corporal punishment. That is why we in our institutions, at least in our institutions where we have had overcrowding for so long, have felt it necessary to continue it as a punishment.

My own feeling is that corporal punishment does have a short range beneficial effect, but I do think that in the long-run, when society makes use of this hostile kind of activity in relation to an individual there is a very great danger that at a much later time that individual will turn that hostility back against some member of the public.

Quite frankly, it is my hope that when we have all our institutions organized the way we want them, and when we have no more than 450 inmates in an institution, we will be able to say, "No corporal punishment; it is no longer a disciplinary punishment."

Mr. TOLMIE: You have decided upon this design for the maximum security prison and you are now in the process of building one?

Mr. MACLEOD: Yes, at St. Anne des Plaines.

Mr. TOLMIE: When do you expect to have that completed?

Mr. MACLEOD: We hope by December. They are making fairly good progress. We hope by December of this year. If not by December this year, then I should think by February or March next year.

Mr. TOLMIE: Is the food the same in the medium, minimum and maximum security prisons? Is the food basically the same?

Mr. MACLEOD: Yes, the ration scales are the same. Perhaps the committee might be interested if I read the menu for a few days for the week ending January 15 at Kingston Penitentiary. You will recall that we had a little trouble there, with 250 or so inmates sitting out in the auditorium and refusing to return to their cells. One of their allegations was about the food. This is the breakfast on Monday, January 9: fruit juice; cream of wheat, milk and sugar, two hot cakes, corn syrup, hot toast, bread and butter, coffee, cream, sugar. Lunch was: tomato and rice soup, Boston baked beans, pickled beets, cole slaw, bread and butter, pineapple-rhubarb sauce, with fruit cookie, tea with milk. Supper: hot soup, grilled Salisbury steak, onion gravy, deep brown potatoes, buttered mashed turnips, bread and butter, cherry cobbler, coffee, cream, sugar.

If you would like to print that, I have the menu for the whole week.

Mr. TOLMIE: That is sufficient. I am getting hungry just hearing it.

Mr. MACLEOD: Perhaps I could just add this in relation to that particular incident. Our investigation indicated that this sit-down was organized by four or five, perhaps six or eight, so-called strong-arm boys who intimidated the remaining 220 or so into staying in the auditorium and not going back to their cells under threat of violence to those who did go back to the cells.

I am informed that the ringleaders were asked what were the complaints about food and they said, "Well, you don't serve French fried potatoes often enough." Apparently they thought there was too much mashed, hashed, brown and maybe scalloped potatoes and we do not serve French fried potatoes often enough. Another was that cocoa was supposed to have been on the menu as a beverage the previous week but was not served. The fact was that it was not on the menu. Finally, the inmate at the serving area, putting butter on the inmate trays, was not wearing rubber gloves when he was seen. Those were the objections that were put forward by this particular group of people.

Mr. AIKEN: I would like to ask a few questions in relation to the definition of "maximum security prisoners" and the possibility of changing the designation. Firstly, is our definition of "maximum security prisoners" in Canada different from that in the United States and Britain, for example?

Mr. MACLEOD: In the United States you find 51 prison systems; each state has its own prison system and its own system of institutions for persons convicted and sentenced to imprisonment under the state criminal law; and, of course, the federal system is in existence for those sentenced under federal law. There is, therefore, no uniform standard definition of types of institutions in the United States.

When we looked for an effective definition we could not find one that was specific enough for our purposes. We felt that before we could start designing an institution we must have a definition and we came upon this one in a United Nations publication. It was not that of any particular member of the United Nations; it was in material which had been prepared, it was a proposal, and it appealed to us.

Mr. AIKEN: So this definition of maximum security prisoner as being, in effect, one likely to make efforts to escape who might be dangerous if he does is the Canadian definition?

Mr. MACLEOD: That is right.

Mr. AIKEN: I am wondering about the number of persons contained in the maximum security institution and whether or not the definition is too broad. Is it the classification board which determines the percentage of maximum security prisoners, or does the board make its decision without regard for the number of people there is accommodation for?

Mr. MACLEOD: At the present time we must keep in our maximum security institutions people who are medium security, and until we get the new maximum security buildings we shall have to keep medium security prisoners there.

It seems to me that as we go along it may be that the overall character of our prisoners will change; maybe we shall have a different kind of criminal in Canada ten or fifteen years from now than we have at present, just as we have a different kind now from what we had twenty years ago. The ones today are much younger, more violent and more unpredictable than they were twenty years ago.

When we have sufficient space to group all of our types, then we can carry on a true classification program so that the inmate will go to the type of institution which will do him most good.

Mr. AIKEN: This is more or less what my questions are directed towards, whether ultimately the percentage of prisoners going into maximum security institutions might be as low as ten?

Mr. MACLEOD: That is possible.

Mr. AIKEN: And they will be given regular security treatment to the point where the security in such a place could be increased rather than decreased?

Mr. MACLEOD: That is very true. If there is one thing that prison administrators have learned it is that it is very difficult to build in security when it has not been there in the first place, but it is very easy to take out security if you do not need it, and this type of institution lends itself very well to a medium security program. If ten or fifteen years later there were another switch in types of inmate and you had to use the institution for maximum security, then you could do it because you have everything that you need already built in.

Mr. AIKEN: How often are prisoners' classifications reconsidered? Is there a regular review of whether or not they may have lost their initial desire to escape, if they had one, or their initial danger, if there was one, to the point where they could be transferred perhaps to a minimum security institution? Is there a regular review on those lines?

Mr. MACLEOD: It is done by application in many cases. Any inmate in a maximum security institution who applies to go to a medium security institution has his case considered. But we find that we must go further than that and look to the classification group in, for example, Kingston Penitentiary to bring forward from their own observation to the regional classification board the names of people they think are ready to go into medium security. The people in the classification section know all the inmates in the institution.

We are finding now, with the opening of an institution like Cowansville, which opened six or eight months ago, that we had to go through all the files of inmates at St. Vincent de Paul Penitentiary to determine whether there were people who should be transferred to Cowansville. With the opening of the Springhill institution in Nova Scotia in a few months as a medium security institution we shall have to do the same. Similarly in Manitoba and Saskatchewan.

Mr. AIKEN: What I was trying to get at was that the classification program now goes along with what you have available?

Mr. MACLEOD: That is right. We are in a transitional stage, and we are hoping with the development of these institutions that we will have a better package of activities than we have been able to have thus far.

Mr. AIKEN: It would probably be fair to say that occasionally people get into maximum security institutions that you would rather not see there if you had the choice?

Mr. MACLEOD: Going back to the other point about our definition of the degree of security, you might be interested in the recommendations made by Lord Mountbatten in his report after the inquiry into prison escapes and security in the United Kingdom. I am reading from the summary of the report in *The Times* of Friday, December 23, 1966:

Prisoners should be divided into four main categories.—

Group A, those who must be sent to the new maximum security prison.

That is the one it is proposed to build on the Isle of Wight, and it is the equivalent of our special correction unit.

Group B, those for whom escape must be made "very difficult".

That is equivalent to our maximum security.

Group C, those who cannot be trusted in open conditions, but who do not have the ability or resources to make a determined escape attempt.

That would be our medium security.

Group D, those who can be housed in open prisons without danger.

That is equivalent to our minimum security. I do not know whether they got that grouping from us. I know we did not get it from them.

Mr. AIKEN: Do you believe that the ultimate objective is to have as many classifications as the four in Britain, the three in Canada, or do you think the objective might eventually be to have two classifications, minimum and maximum?

Mr. MACLEOD: Oh, I do not know. I think we have not yet had enough experience with our existing three and with the S.C.U., which will be our fourth, or with the special institutions such as our narcotic addicts institution at Matsqui, or with the special medical psychiatric centres, of which we want at least one in each region, or with the community release centres that we want to establish in each of the major cities—call them prison boarding houses if you want to. I am afraid our feeling is that we want more differentiation; we want more distinctions drawn, we want a greater variety of institutions for the different types of people to be provided for.

Mr. AIKEN: This includes the hostel type institution?

Mr. MACLEOD: That is right.

Mr. AIKEN: Where physical and mental problems and educational problems are separate, where these people can get specialized treatment. This is what you feel is the objective?

Mr. MACLEOD: That is right.

Mr. AIKEN: Really this would be an objective aiming towards having a large number of types of institutions?

Mr. MACLEOD: That is right. Perhaps I could just run down, for the benefit of the committee, the ten-year plan we are working on, which we are about four-tenths of the way through at the moment. It calls for six different types of institution in each of the five regions of Canada.

First, a regional reception centre, to which every inmate will go from the court to be analyzed and diagnosed over a period of three to five weeks, so that we can determine what kind of institution he should be sent to initially.

Then there will be the maximum security institutions for those whom we have defined, medium security institutions, minimum security institutions, a special correctional unit, a medical and psychiatric centre and a community release centre. Whether in each region or not, if the Matsqui institution for narcotic addicts proves to be successful it will probably be justification for building a comparable one in Eastern Canada.

We have yet to determine on, and in any event are not yet ready to proceed with, a special institution for sexual offenders. Only some 4 to 6 per cent of those who come to penitentiaries in any year have been convicted of sexual offences; that means about 120 a year in all of Canada that we get. We are not ready yet, in the midst of our present programming and building, and getting on with it, to get into the much more detailed problem of special institutions for sex offenders.

Mr. AIKEN: What is the ultimate objective in respect of prisoners you receive who you come to the conclusion should never have been sent to prison? What I have in mind is this. There is such a divergence of sentences between magistrates, judges and juries that there must be a number of people sent to penitentiaries who, it may become obvious to your staff before very long, should never have been sent there. Granted, this is a problem you do not have to deal with, but what can they do in such a case? Do they actually make recommendations?

Mr. MACLEOD: You are not saying the man should not have been convicted?

Mr. AIKEN: No.

Mr. MACLEOD: He committed the offence right enough?

Mr. AIKEN: Oh, yes.

Mr. MACLEOD: But he should have been placed on probation?

Mr. AIKEN: He should not have been sent to the penitentiary, in your view.

Mr. MACLEOD: There is very little we can do except bring the case to the attention of the Parole Board at the earliest possible stage, because it is only the Parole Board who can release him. If we feel he should not have been sent to prison in the first place we would send him as quickly as possible to a minimum security setting, and there he would remain until such time as the Parole Board authorized his release. But that is all we can do.

Mr. AIKEN: It is another problem, but I think it is a serious one because it affects many people.

Mr. MACLEOD: Perhaps I might add this footnote to what you have said Mr. Aiken. In Canada it is no wonder that we have no uniformity of sentence when there are at least 350 magistrates, 150 county court judges and at least 100 Supreme Court judges, some 600 people imposing sentences in this country with

no guidelines, with no established principles under the criminal code or any other legislation; it is not surprising that we have great variations in sentences.

Mrs. MACINNIS: Mr. MacLeod, you have expressed the hope that perhaps maximum security prisons might be established where, because of the conditions, it was possible to get along without corporal punishment. Could you indicate whether or not in any of the countries you know throughout the world—Britain, the United States or elsewhere—when the number of inmates has been reduced has there been any change in the use of corporal punishment?

Mr. MACLEOD: I am not competent to say that, Mrs. MacInnis. Some countries have it, some countries do not have it; some states in the United States have it, others do not.

Mrs. MACINNIS: In other words, you could not express an opinion on the conditions under which corporal punishment could be done away with?

Mr. MACLEOD: I am hopeful that when we have a proper system of institutions in which we can carry on proper types of inmate training, meeting the needs of the various types of individuals whom we have, then it may very well be that we can eliminate corporal punishment, and this will be our objective. But, for the reasons I have explained, we cannot look to that objective while we have overcrowding in our maximum security institutions.

Mrs. MACINNIS: I would like to ask a few questions about the training. When we visited Kingston Penitentiary and talked to some of the men there they indicated that there was not enough real training to go round for those who would benefit from it. That was their opinion. They mentioned that in the workshop building there was not enough equipment to go round, and those who had it did not want others to have it. Will there be enough training facilities for all those who can benefit from them in the new maximum security prisons?

Mr. MACLEOD: Yes, there will be. The workshop building provides ample space for trades training, and indeed for classrooms for academic training. We hope in this institution to do a lot by way of academic training. For example, if an inmate comes in with a grade 7 education, I think we would do much better to turn him out at the end of two or three years with a grade 10 or possibly grade 11 education than turn him out as a poor carpenter, poor plumber or poor welder so that when he tries to get a job in one of those trades he cannot. I think we would do better by improving him academically, and this is a great part of our program.

Mrs. MACINNIS: Will the academic standard be such that he could, if he wanted, continue in educational facilities at the same standard outside; and would the trades training enable him to reach the standard of, say, plumbers in the trade outside prison?

Mr. MACLEOD: Yes, we have such arrangements now with the provincial authorities, and I am confident that we can continue to expand them.

Mrs. MACINNIS: With ordinary civilians, getting paid for their work is considered to be quite an incentive. I recall that during the war it was possible for men in the forces to build up a credit with what they got for their military service so that when they came out of the forces they had something to go on with. I am wondering whether any consideration has been given to giving proper rates of pay for the job done, keeping the money and then, not necessarily giving it out in one lump sum, but allowing the man to use it during the period of rehabilitation and getting back into society. Has any consideration been given to that?

Mr. MACLEOD: All prisoners who work, who are occupied in the institution, are paid at the present time. A person who is studying is paid.

Mrs. MACINNIS: But not rates comparable with those outside.

Mr. MACLEOD: The pay rates may sound ridiculous to members of the committee. There are four pay rates: 25c. 35c. 45c. and 55c. a day. Every inmate starts at 25c. and he is allowed to spend 15c. of it on various things in the canteen, such as tobacco and chocolate bars. The remaining 10c. is compulsory savings. A proportion of each rate is compulsory savings which cannot be spent but must be kept for the day of release. Is that the kind of thing you mean?

Mrs. MACINNIS: Yes, except that I did not have in mind that sort of pay. I had real pay in mind, so that the person would have something behind him to help over the difficulties of getting back into society. I know some people say, "Why pay them for being bad?" but we have got to the stage where on release he should be trained and educated for work outside and I was wondering whether thought was being given to the idea of getting him into a financial position to take up the burden of returning to the community.

Mr. MACLEOD: Yes, it is but a lot of factors are involved here. First of all, the Treasury people usually need some return on their investment when it comes to prisoners. On the other hand, we can do what is done in some jurisdictions, and that is to take one institution and turn it into a gigantic factory where they turn out a particular material, where nothing else is done, where it is just a factory. But this seems to me to be the industrial tail wagging the correctional dog.

Our attitude as a matter of policy is that industrial production and training in industrial production must be part of the overall correctional program, and you must never cut down your counselling, athletics, visiting, cultural development, whatever it may be; you must not cut any of these aspects of an all-round training program down just to get industrial production which will pay part of the cost of operating the prison.

I do not say the time will not come when we shall be able to give higher rates of pay and reward inmates with the incentive of a greater financial stake at the time of release, but we are not ready for it yet it seems to me. We still have to get our system set down on a solid basis before we start rushing off on new experiments. Many people think we are already experimenting too much.

Mrs. MACINNIS: I am aware that there are certain recognized committees or agencies in the penitentiary through which inmates can make their feelings known to either this committee or other outside bodies. There is an inmate in one of the penitentiaries, who will be well known to you, who wants to have a group of inmates make their opinions known to this committee on what should or could be done, but not through any recognized agency. I believe that this is at present forbidden by regulation, and I have had a letter to that effect. What is the real root objection in your mind to allowing any group of prisoners who wish to do so to make their feelings known to this committee on what should or should not be done?

Mr. MACLEOD: The root objection lies in the nature of a certain percentage of our inmates, especially in a maximum security institution. There are organizers in every institution, just as in the life of any community there are people who want to organize committees and get on committees to exercise influence of one kind or another.

Our experience in the Canadian Penitentiary Service has been that if you let one inmate organize a committee for a particular purpose you soon find they develop into a bunch of "wheels" in the institution; soon the main purpose for which that group was formed is forgotten and it attempts to influence an awful lot of other activities in the administration of the prison; it attempts to exercise undue and undesirable influence over other inmates. The policy that the minister has laid down in this respect enables us to avoid that problem in the general administration of our penitentiaries, and yet makes it possible for any inmate who wants to express his opinion to any of the established committees to do so.

Mrs. MACINNIS: In other words, you do not think they should express their opinion to the committee?

Mr. MACLEOD: No. On the basis of our experience, all these other things are likely to happen when you let an inmate organize even a small group of people he wants to sit down with him. There is a certain percentage who have an inveterate tradition of trying to exercise influence within the institution, either to influence other groups of inmates or to influence the administration to do something. Indeed, this is what a prison operation is in the view of some authors on the subject; it is a continual swing of the pendulum between the administration on the one side and the inmate body on the other side.

Mrs. MACINNIS: Do you think there are enough proper channels so that nobody need lack an opportunity of getting his voice heard?

Mr. MACLEOD: Yes, there are adequate proper channels.

Mr. MCQUAID: Mr. MacLeod, some criticism has been directed at this particular plan that we have before us this morning, some of which has already been mentioned. It seems to me almost logical to assume that in a prison population such as we have in Canada today there will be some of the prisoners, trusted prisoners within prison limitations, who would have some really good ideas on how a prison should be designed. Have you consulted with any of them?

Mr. MACLEOD: Oh, I do not think so, Mr. McQuaid. No, there was no formal consultation by our institutional planning committee as such. But I will say this, that in 1959 and 1960 we had the Correctional Planning Committee in operation, which was a committee appointed by the Minister of Justice of the day, who came up with a blueprint for federal correctional development. When we went round to all the institutions in the country we then talked to inmate groups and individual inmates and got a lot of ideas on the subject from inmates.

In the result, the Correctional Planning Committee has worked very closely with the development of these institutions. The other two members of our committee were Col. J. R. Stone, who is the Deputy Commissioner, and Mr. J. A. McLaughlin. We did get views, but not in any formal way.

Mr. MCQUAID: These views were helpful to you?

Mr. MACLEOD: Yes, in certain respects.

Mr. MCQUAID: Do you propose to adopt any of their ideas?

Mr. MACLEOD: No.

Mr. MCQUAID: May we inquire why not?

Mr. MACLEOD: I do not want to appear hidebound, but it would strike me as a remarkable development for the Government to submit to inmates the design of prisons it proposed to build.

Mr. MCQUAID: But you agree that on a previous occasion they had come up with some worthwhile suggestions. It occurs to me that perhaps this design could be improved if we had some so-called expert advice, because these men have spent a long time in prison and probably would have some ideas that you, your designers or architects, or even the Minister himself might not think of.

Mr. MACLEOD: Yes, if you could be perfectly satisfied the motivation of the inmate was to improve the design of the prison in accordance with our objectives, namely security and program.

Mr. MCQUAID: During our visit to Kingston I talked with several prisoners who felt they could benefit from the services of a psychiatrist but still they were not able to get psychiatric treatment. It is obvious that you have not got enough trained psychiatrists in these institutions. Do you think it is worth while giving some additional incentive to psychiatrists? Their scale of pay would probably have to be above even that which you mentioned this morning.

Mr. MACLEOD: You see, we are not now taking psychiatrists on the staff as members of the public service. We are now hiring psychiatrists on contract, and on that basis we have a full-time psychiatrist at Kingston Penitentiary and two part-time psychiatrists; and with Queen's University, Kingston, we are working out a program whereby we shall have from their medical school the assistance of psychiatric interns who can work with us while pursuing their course of post-graduate psychiatric training.

We are improving the situation, but psychiatrists are very reluctant to come and work with us. We are lucky to have a full-time one out in British Columbia at Matsqui, the narcotic addicts institution. We are negotiating with another full-time one for Ontario. We have not yet been able to get a full-time psychiatrist at St. Vincent de Paul. I think that is right.

Mr. J. C. A. Laferrriere, Regional Director, Quebec Region: That is right.

Mr. MCQUAID: Are you offering them enough money? They are not going to work in a penitentiary for less than they can get in a hospital.

Mr. MACLEOD: I am fairly confident the people we have approached have never made an issue over the salary.

Mr. MCQUAID: That is exactly what I was wondering.

Mr. MACLEOD: Dr. Gendreau, of our medical services headquarters, and I were at the annual meeting of the Psychiatric Association last summer. We spoke to the delegates at that convention and impressed upon them our need and our desire that they should interest themselves in our work. As a result of that meeting I think we shall be able to work out the psychiatrist internship scheme, but there was no objection made there to the salary scales paid.

Mr. MCQUAID: Do you think there would be any advantage in turning over the responsibility of providing these psychiatrists to the Department of National Health?

Mr. MACLEOD: We have considered that, but from some inquiries we made some years ago I do not think that department is particularly interested. It may be now but it was not then.

Mr. MCQUAID: You are satisfied in your own mind that it is not a matter of dollars and cents that is the difficulty in getting them?

Mr. MACLEOD: That is right; that is not the major issue.

Mr. MCQUAID: Just one question in connection with the design. There is no attempt made there to provide for segregation of different types of prisoners.

Mr. MACLEOD: Yes, there are 15 attempts made. There are 15 separate groupings, each with its own range and each with its own common room.

Mr. MCQUAID: I am sorry, I had not understood that.

Mr. MACLEOD: It is the most advanced maximum security prison in the world from that point of view, with 15 separate groupings.

Mr. MCQUAID: Have you anything in the planning stage for relieving the province of the responsibility of looking after what I call short-term offenders, who may be there for six months, a year or something like that?

Mr. MACLEOD: That is still very much in the minister's mind, I know, but again we must get our own house in order. If we can go back to the history of this, it was recommended by the Fauteux Commission in 1956 that sentences of more than six months should be federal and of six months and less provincial, and there was an understanding between the attorneys General of the provinces and the Attorney General of Canada in 1958 that we would proceed to design our system on the basis of that proposal.

It was then necessary for the correctional planning people to work for 15 months, to do a survey of the whole system and come in with a report, which they did. Then it was necessary to get the design and development under way.

Now, we are still in the position where we have 850 inmates at St. Vincent de Paul, a penitentiary where we should have no more than 400. We have 850 inmates at Kingston Penitentiary, where we should have no more than 450. There are 625 in Saskatchewan, where there should be no more than 400.

It is only when we have these new institutions built so that we are down to 450 in each that we can think seriously of taking on these additional responsibilities, because if we were to take on those additional responsibilities it would add 4,000 inmates to our population and increase our population from its current 7,000 to 11,000. It is a practical problem; I do not think there is any lack of good will.

Mr. McQUAID: There is not much immediate hope then?

Mr. MACLEOD: I would say there is no immediate hope at all. Mr. MacDonald has reminded me that the committee might be interested in the fact that whereas in 1963 we expected the inmate population to go from 7,400 to 8,000 by the end of 1966, by 1964 it went to 7,600, but over the last two years instead of going up another 400 to 8,000 it has dropped 600 to 7,000. That improves the situation substantially, because by our standards 1,000 inmates is slightly more than two institutions. However, we have no way of knowing what will happen this winter; it may suddenly go from 7,000, as it is now, to 7,600 by April or May.

Senator FERGUSON: You spoke of the corridors in the new maximum security building being painted in "appropriate colours". What are the appropriate colours, and who decides what they are?

Mr. MACLEOD: We are looking for psychological and psychiatric advice from colour experts on this. I assure the committee we will not colour them red. This is no reflection on the colour of Senator Fergusson's or Mrs. MacInnis's dresses!

Senator FERGUSON: We will take note of that.

Mr. MACLEOD: We find that red is not a very suitable colour in an institution.

Senator FERGUSON: Who are the experts who take these decisions?

Mr. MACLEOD: This is something we refer to our psychiatric advisers. In Montreal, I am sure we shall consult with Dr. Cormier and his colleagues. All I know is that there are experts on colour. I think the colour scheme at the new Cowansville institution is quite attractive, and I have no reason to believe that that at the institution at St. Anne des Plaines will be less attractive.

Senator FERGUSON: It is not likely to be stone grey, as the walls used to be?

Mr. MACLEOD: Not at all.

Senator FERGUSON: We saw the rations when visiting the penitentiary and the menus seemed very attractive. I do not know if I asked this when we were there. Who decides on the menus? Is there a nutritionist who decides whether it is a balanced diet?

Mr. MACLEOD: We have a Director of Food Services at our headquarters. We do not have a dietician on our staff, but we have a Director of Food Services at our headquarters who consults with dieticians from National Health and Welfare. We do not need a dietician on a continuing basis, but someone with dietetic experience with whom we can consult on the general adequacy of diets. It is done not only at headquarters, but also I understand at the regions, where the regional directors' staff consult with dieticians at the Canadian Forces Hospital, for example.

Senator FERGUSON: The Canadian Forces Hospital has a dietician?

Mr. MACLEOD: Yes.

Senator FERGUSON: Why do they need one more than penitentiaries?

Mr. MACLEOD: Well, they have people on special diets.

Senator FERGUSON: Would there not be the same requirement?

Mr. MACLEOD: We have special diets too.

Senator FERGUSON: You said definitely you do not need dieticians, but I would like to be convinced.

Mr. MACLEOD: Maybe I need to be convinced too, senator. I have raised the question in the past. For example, I could not understand why, if the Mounted Police have a dietician—I do not know whether I was being envious or not—we could not have a dietician. I was satisfied at that time that our arrangements were adequate. However, on the basis of the senator's question I will look into it again.

Senator FERGUSON: You spoke of recalcitrant prisoners being punished in one way or another, and you referred to reduced diet being one of the final things that might be imposed. Is any care taken to see that this reduced diet provides them with a proper balanced diet to keep them healthy?

Mr. MACLEOD: Yes. We are satisfied that the reduced diet provides some 2,000 calories a day.

Senator FERGUSON: But that might not necessarily be a balanced diet. You could get 2,000 calories a day and not have a balanced diet.

Mr. MACLEOD: There is a lunch-time meal every day, and my assurance is that the lunch-time meal every day does provide a balanced diet over the week.

Senator FERGUSON: What brought this to my attention was that recently I was in Calgary, where they provide a meals-on-wheels service to old people in their homes. In most places they give just one hot meal a day and think this is adequate. This body in Calgary has amongst its volunteers a great many nutritionists and dieticians and they said definitely that one hot meal a day could not provide a diet to keep a person healthy, that they would have to have one good meal supplemented by something in the evening.

Mr. MACLEOD: This may well be the case when you are feeding a person one meal a day over a long period, but if you are feeding a person one meal a day for only seven days or ten days I do not think it applies.

Senator FERGUSON: How long do you have people on a reduced diet?

Mr. MACLEOD: It rarely exceeds seven days, I should think; ten days, possibly fourteen days.

Senator FERGUSON: Could you tell us from your experience of other countries and things you have read and seen if they have had as much difficulty in other countries in getting psychologists, psychiatrists and social workers to work in their prisons as we do in Canada?

Mr. MACLEOD: Yes, I find this in the United States. It is the United States with which we are most familiar, and they certainly do have that problem. It is a common North American problem in the field of correction.

Senator FERGUSON: Do you use female psychiatrists, psychologists or social workers in the men's prisons at all?

Mr. MACLEOD: Yes, we have done. We have a female psychologist at our Leclerc Institution, at St. Vincent de Paul in Quebec. We have two in the Kingston region, and I know we have female classification officers at various institutions across the country. There is one at the British Columbia institution and there are several more at other institutions.

Senator FERGUSON: And social workers too?

Mr. MACLEOD: Yes. We have no prejudice against female professionals, I assure you.

Senator FERGUSON: I did not ask that question because I thought there was any prejudice, Mr. MacLeod, but because when I was in New Zealand last year I visited a number of prisons there, and I remember that at Mount Eaton the

warden told me they had just started using female social workers there, which is one of their maximum security prisons, and he found it most successful. I was wondering if we were also doing that. It was not put on the basis that I thought you were prejudiced against women.

Mr. MACLEOD: It is only in the last half-dozen or so years that we have taken to using female clerical staff, and we have a large number of female clerical workers in our institutions now.

Senator FERGUSON: You said you did not think the salaries affected people accepting positions in the Penitentiary Service, that they would not refuse to come on that account. Would an increase in salary encourage them to enter the service? I am thinking of the Northern allowance; people do not want to go to the North but the extra money offered induces them to go. Could you tackle it from that angle, by increasing the salaries in places like prisons?

Co-CHAIRMAN (Mr. Watson): I am sorry to interrupt, Senator Fergusson, but it is necessary that we complete one item of official business while Mr. Aiken is still with us. Would you permit an interruption for that purpose?

Senator FERGUSON: Certainly.

Co-CHAIRMAN (Mr. Watson): Last year the committee requested the Steering Committee to look into the matter of engaging technical personnel for the committee. The Steering Committee in turn delegated to Senator Benidickson and myself the choice of a technical adviser. We have tentatively engaged as an adviser to our committee Mr. R. M. Price, who is one of the people responsible for the report on juvenile delinquency.

Mr. Price is an Associate Professor in the Law Faculty at Queen's. He has also more recently acted in an advisory capacity with the group working on security regulations at the federal level.

In order to hire Mr. Price we discover that we must have power to do it. At the moment the committee does not have that power, and I would therefore request a motion from a member of the committee to request both the House of Commons and the Senate to give us power to engage the services of such technical, clerical and other personnel as may be necessary for the purposes of the inquiry. Could I have a motion to that effect?

Mr. AIKEN: Mr. Chairman, right at this moment, just looking forward, I think none of us know how long the session will last, so we do not know what the life of our committee will be. I hope it will not be very long, but I would also hope it would resume immediately after the new session starts. The question is whether it is useful at this time to bring this in, or whether it should be left until the new session.

Co-CHAIRMAN (Mr. Watson): I think it would be useful in that it would be necessary if this committee is to be at all useful. My reason for saying that is that in discussion with the Steering Committee it was felt that if this committee is to be at all useful we should consider one, two or three specific items and produce an interim report on those specific items.

On Thursday we shall be interviewing some ladies concerned with the problem of the women's prison in Kingston. Next week we shall hear from the prison psychiatrist at Kingston concerning the psychiatric facilities there. I would hope that we could deal with both these items fairly fully, and perhaps touch on at least one other item and produce an interim report. Otherwise, in my view our committee might just as well not exist. To do this job properly I think we need a qualified expert. I have spoken to a number of people, and so has Senator Benidickson, and we consider we need a qualified person.

Mr. STAFFORD: If I might ask a supplementary question which might help Mr. Aiken, I was wondering what Mr. Price was going to do as an expert and what special qualifications he has that the experts in the department do not already have.

Co-CHAIRMAN (*Mr. Watson*): It is my view that the committee is acting on its own, independently of the department, and that we should have our own expert and be prepared to reach our own findings, come to our own decisions. To do this I think we need somebody.

Mr. STAFFORD: You did not answer the first part of the question. What qualifications has Mr. Price not possessed by, for instance, some of us who have defended hundreds of people and visited many institutions, looked at the problem and thought about it, which would qualify him to further our understanding?

Mr. TOLMIE: Mr. Chairman, could I answer that for you? In the first place, I do not think we should delay taking a decision on hiring Mr. Price because of the possibility that the session may end. Parliament is unpredictable and it may not end until November or Christmas. In my opinion, we should hire this gentleman immediately, for what I think are very valid reasons. He will have the time to study the questions placed before this committee. We are an independent committee and we need someone to give us independent advice; we do not have to rely upon the Penitentiary Service.

According to my information of Mr. Price, he is certainly well qualified. He participated in this report on juvenile delinquency, and I think made a contribution to it. To be realistic we should have someone to guide our task. We come here trying to get a quorum, we are always busy; we do not have enough information at our fingertips and we need someone to coordinate our information and direct our questions.

Co-CHAIRMAN (*Mr. Watson*): I should add that Mr. Price lectures in criminology at Queen's, and according to my information he was largely responsible for writing the excellent report on juvenile delinquency which is presently in the hands of the Government.

Senator FERGUSON: What form should the motion take?

Co-CHAIRMAN (*Mr. Watson*): I think the motion should be that we ask the Senate and the House of Commons for power to engage the services of such technical, clerical and other personnel as may be necessary for the purpose of this inquiry.

Senator FERGUSON: Then may I move the motion.

Mr. TOLMIE: I second the motion.

Mr. AIKEN: Now that a motion has been made, let me say I was not objecting to this; I was questioning whether the services would be available at a time useful to the committee. If this gentleman is available now and the committee is to make an interim report during this session, then I assume we could go ahead. My doubt was whether it might be some months before the appointment could be made, and whether we would require these services before the end of the session. If this gentleman is available now and is going to help make the report, then I agree.

Co-CHAIRMAN (*Mr. Watson*): It is my information that this gentleman will be available, not this Thursday, but at subsequent meetings. Is this motion unanimously adopted?

MEMBERS OF THE COMMITTEE: Agreed.

Resolved,

That the committee have power to engage the services of such technical, clerical and other personnel as may be necessary for the purpose of this inquiry.

Senator FERGUSON: Unfortunately it was impossible for me to be here in time to hear the minister make his statement or to see the slides, but I would like

to know if anything was said about the proposed women's prison. The minister shakes his head. Will there be a time when we shall be told something about this?

Hon. Mr. PENNELL: If I may be permitted to answer the honourable senator, I specifically asked the chairman if he would convene the meeting to deal with maximum security, and made it clear at that time that I would be prepared to return with officials and discuss other matters of interest, including the women's prison. However, there is a great time element with pressure building up so far as the maximum security prison is concerned, with tremendous overcrowding at St. Vincent de Paul and Kingston.

Co-CHAIRMAN (*Mr. Watson*): Do you have any further questions now, Senator Fergusson?

Senator FERGUSON: No, thank you.

Mr. RICARD: If I understood you correctly, you said that because of the different habits and attitudes of inmates in different countries you were forced to face considerations in our country in a different way from other countries. Could you elaborate on that?

Mr. MACLEOD: I think an excellent example is what is happening in the United Kingdom. The history of the operation of United Kingdom prisons has always been that their prisoners have been less violent, less open to escape and more readily amenable to the quiet life in the institution, not so likely to indulge in insurrection, riots or disturbances, as ours were thought to be until around 1910 or 1915, more particularly in the thirties. Since the thirties, in North America our inmates have become more difficult inmates, more prone to attempt to escape, more prone to indulge in disturbances, more prone to commit assaults.

My own feeling is that the United Kingdom is just catching up with North America. We had some warning of what was coming in our system, and it is only now that in the United Kingdom they are getting the warning of what they must do in order to cope with a different person than they have had heretofore.

Mr. RICARD: Are our inmates on the same basis as those in the United States?

Mr. MACLEOD: By and large, with this difference, that in the federal system we have to design our program right across the country from coast to coast in terms of sentences under the criminal law. In the United States, since the criminal law falls within the jurisdiction of each of the 50 states, each state has its own problems, and the geographical factor in an individual state is not as great as it is with us. In the United States, in a small state you are perhaps likely to get a more homogeneous type of person within the state than we have in Canada with our quite large regions.

Mr. STAFFORD: When were the plans for the maximum security institution completed?

Mr. SIMPSON: It was approximately June last year that they finally went to tender.

Mr. STAFFORD: Land was purchased for the new penitentiary near Kingston?

Mr. MACLEOD: That is right. It was purchased about 1963-64.

Mr. STAFFORD: We are hearing all these complaints about Kingston Penitentiary, but were it not for the objections made to the plan, mainly from people with merely opinions, the new penitentiary would be almost finished now, would it not?

Mr. MACLEOD: Yes. Millhaven would be in the same position as St. Anne des Plaines. Millhaven would have gone to tender too, or tenders would have been accepted in June in respect of Millhaven, as they were in relation to St. Anne des Plaines, if we had been able to go ahead with Millhaven.

Mr. STAFFORD: And it is your desire to look into all these objections and see what weight they have that has put back the construction of this much needed penitentiary?

Mr. MACLEOD: Yes. The Minister took this responsibility after consultation with his officials.

Mr. STAFFORD: With all your knowledge and all the help you have of men who perhaps have more to do with penitentiaries than anyone else in Canada, have you seen anything in any of these objections suggesting changes which would result in a penitentiary which you would consider better than the plans that were submitted?

Mr. MACLEOD: There are certain minor suggestions that were made that we have adopted, by way of providing space which probably will provide some additional flexibility. It was our view that we had sufficient flexibility, but certain changes have been made to which we have no objection, which may make the design more palatable to others.

Mr. STAFFORD: The institutions that are now designed will be much better than, for instance, the penitentiary at Kingston at the present time?

Mr. MACLEOD: Infinitely. Kingston maximum security institution has been operating since 1835.

Mr. STAFFORD: The longer we take to look into this the longer the Penitentiary Service will have to wait for a penitentiary they deserve. Is that right?

Mr. MACLEOD: Yes, that is right. I would have to say this in clarification, I think. At St. Anne des Plaines the new maximum security institution will look after 450 of the present 850 of St. Vincent de Paul prisoners, but there are still over 400 "bucket cells" being used, as the minister mentioned earlier, at St. Vincent de Paul. If over the next year or fifteen months the courts send us inmates at the rate at which they sent them to us in 1962 and 1963, we shall have another 600 or 700 inmates in the St. Vincent de Paul area, and if that happens we shall not be much better off.

Mr. STAFFORD: No matter what kind of prison you design, you have no reason to believe that you will not find someone who would not criticize it?

Mr. MACLEOD: Of course not.

Mr. STAFFORD: Someone will always have different views?

Mr. MACLEOD: That is right.

Mr. TOLMIE: You mentioned "bucket cells". What washing facilities do the new cells have in maximum security?

Mr. MACLEOD: The new ones have combination toilet bowl and wash basin on top, made of aluminum. They are very fine texture, and used in most of the new institutions in the United States and Canada.

Co-CHAIRMAN (Mr. Watson): Are there any questions to be directed to the Honourable Mr. Pennell?

I had a few questions I wanted to direct to Mr. MacLeod, if no one else has any questions.

Mr. MacLeod, my understanding of the approach used by the department was that they asked for the comments of the Canadian Committee on Corrections on the maximum security prison plans which you had, and the Canadian Committee on Corrections then asked an architect, Mr. Kohl, to draw up some suggested changes. Do I understand correctly that you have incorporated these changes suggested by Mr. Kohl into your plans, or what has happened?

Mr. MACLEOD: The minister is more familiar with this because he presided over the meeting. Perhaps the question should go to him.

Hon. Mr. PENNELL: I had some meetings with the Canadian Corrections Association, as I think I made clear this morning. There is a Canadian Committee

on Corrections, which is a voluntary group. When I first took over my duties we were discussing this maximum security institution and of my own volition, having discussed it with the Commissioner, I suggested that perhaps we should speak to the Canadian Committee on Corrections and ask them if they would come and look at this and give us some views on it. The Commissioner readily agreed, so we went to the Treasury Board and asked them to provide us with some funds so that the Canadian Committee on Corrections could have a look at it. We obtained permission for them to engage Mr. Kohl, an architect in Toronto.

They looked at it and came back with some criticisms, which you will find in the bundle of correspondence already distributed. We examined the criticisms and I discussed the matter with the Penitentiary Service, who gave their answers to the criticisms. These answers were sent to Mr. Justice Ouimet and we asked his committee to meet us. Some of the committee were not able to be present, but we discussed it, and I think our position is summed up in the last paragraph. We found that there was no fundamental difference between the proposal put forward by the Ouimet committee and that of the Canadian Penitentiary Service. We did in fact knock out about 18 cells, if my recollection is correct, enlarging the day room to make more space available for meetings, and also agreed to forego the wire fence if you call it that or divider down the middle of the corridor. These were two basic changes we made, and they were not fundamental changes I must at once acknowledge.

We also looked at the plan, and we were satisfied the plan was flexible enough if we wanted to expand any of the services to be provided; certainly the buildings could be extended.

We felt these meetings were fruitful and very helpful, but I think that generally sums up the situation. We reduced the number of inmates from 450 to 432, I believe it was.

Co-CHAIRMAN (Mr. Watson): In effect, you met at least two of the objections which the Ouimet committee raised at the start?

Hon. Mr. PENNELL: One other objection was that they felt perhaps too much time would be spent in moving inmates from their cells to the workshops, that they would not then be doing useful work and it would be time-consuming. Since then the Canadian Penitentiary Service carried out some tests and were satisfied in the beginning that this was not a problem.

I must say, with great respect to the committee, that I was not disturbed about it, because I felt that with men serving anywhere from two to ten years in an institution, taking a little extra time going from their cells to the workshops might afford some therapy in moving about a bit and that it was not all that harmful. We were satisfied ourselves, and I think satisfied the committee after we met them, that it would not take nearly the amount of time to move prisoners from the cells to the workshops and other places as had at first been thought.

A visit has been made to Attica in New York, which is a maximum security institution. They have 2,100 maximum security inmates in that institution and have now added a wing to take another 450, bringing the total up to 2,500. One of the problems they face is that of funds; they just have not got the funds for a new institution and have had to extend the present one. In their defence, I would say it is a superior institution to either St. Anne des Plaines or Kingston, although I suppose any institution would be better than either of those. I am certainly not recommending it as a model, but I merely point out that we are not alone in our problems.

Co-CHAIRMAN (Mr. Watson): The letter from the Canadian Committee on Corrections mentioned medical psychiatric centres. Do I understand that these maximum security prisons as planned will have such centres?

Mr. MACLEOD: Each region will have a self-contained institution which will be a medical psychiatric centre as part of the overall complex of institutions. The

one that we build for the Quebec region will be on that tract of land at St. Anne des Plaines; the one we build in Ontario will be on that tract of land at Millhaven.

Co-CHAIRMAN (*Mr. Watson*): I do not think anyone has given us an accurate estimate of the capital cost of this 450-cell unit. What is your forecast now?

Mr. MACLEOD: The St. Anne des Plaines tender was accepted at \$7,100,000, in round figures. There will be at St. Anne des Plaines an additional sum of \$2½ million in development of the site, but that development will provide services which will also be available for other institutions to be built there in due course. The basic cost is \$7,100,000.

Co-CHAIRMAN (*Mr. Watson*): What will the annual cost be?

Mr. MACLEOD: The annual cost of operation will be in the order of \$1½ million to \$2 million.

Hon. Mr. PENNELL: The cost is round about \$22,000 per cell approximately. Am I right?

Mr. MACLEOD: Yes.

Co-CHAIRMAN (*Mr. Watson*): The annual upkeep?

Hon. Mr. PENNELL: No, the cost. Building, providing the services, getting it ready, will be approximately \$22,000 per cell, I believe.

Co-CHAIRMAN (*Mr. Watson*): Mr. Aiken asked about certain prisoners who he felt should not be in prison. Is it your feeling that the Parole Board regulations should be revised to permit referral of such cases as Mr. Aiken mentioned to the Parole Board at a much earlier date than is now permitted?

Mr. MACLEOD: We do refer them early. Although the regulations say that an inmate becomes eligible for parole after he has served one-third of his sentence or four years, whichever is the lesser, the Parole Board can nevertheless make exceptions to that rule in cases where it deems that course to be proper. It seems to me that perhaps there is a legislative formula that could be used to make it clear that in pronouncedly exceptional cases the board could act to give effect to that, but I do not know how that would be done. There is no legislative restriction right now on the board acting.

Co-CHAIRMAN (*Mr. Watson*): Mrs. MacInnis asked about education and training. It is a grade 10 or grade 11 training that you give these men. Is a certificate given that is recognized by industry?

Mr. MACLEOD: I think it is in all provinces now. I would refer to Mr. LaFerriere.

Mr. LAFERRIERE: By most, I think.

Mr. MACLEOD: In most provinces now, and we are working on this.

Co-CHAIRMAN (*Mr. Watson*): If you give a man training in a trade, do the trades union recognize his qualification?

Mr. MACLEOD: Most of the trades in most of the provinces. I do not think I can say better than that.

Co-CHAIRMAN (*Mr. Watson*): Which provinces do not?

Mr. LAFERRIERE: Ontario in certain trades.

Mr. MACLEOD: Certain trades in Ontario are not accepted.

Co-CHAIRMAN (*Mr. Watson*): Are there any further questions?

Mr. AIKEN: Will this model which is before us, if accepted and found reasonably satisfactory, form a standard model maximum security building?

Hon. Mr. PENNELL: If I may be permitted to answer that, Mr. Chairman. I was speaking to one of the members of the Canadian Committee on Corrections yesterday, and he said if it was decided to go ahead with this design which is before you, he wondered if the Canadian Penitentiary Service would consider experimenting, in the general sense of the word, in designing another one, then perhaps out of the two types experience would show which was the better. I said I would be pleased to discuss this with the Commissioner and members of the staff.

The committee adjourned.



First Session—Twenty-seventh Parliament

1966-67

PROCEEDINGS OF
THE SPECIAL JOINT COMMITTEE OF THE SENATE
AND HOUSE OF COMMONS ON
PENITENTIARIES

No. 3

THURSDAY, JANUARY 26, 1967

JOINT CHAIRMEN

The Honourable Senator W. M. Benidickson, P.C.

and

Ian Watson, M.P.

WITNESSES:

Miss Isabel Macneill; Mrs. Marion E. Batstone; Miss Margaret Benson.

APPENDIX

1.—Statement by Miss Isabel Macneill.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

THE SPECIAL JOINT COMMITTEE OF THE SENATE AND
HOUSE OF COMMONS ON PENITENTIARIES

Joint Chairmen

The Honourable Senator W. M. Benidickson, P.C.

and

Ian Watson, M.P.

The Honourable Senators

Benidickson,
Cameron,
Deschatelets,
Fergusson,
Fournier (*Madawaska-
Restigouche*),

Inman,
Irvine,
O'Leary (*Carleton*),
Prowse,

Messrs.

Aiken,
Allmand,
Dionne,
Fulton,
Lachance,
Matheson,
McQuaid,
Prud'homme,

Ricard,
Rochon,
Stafford,
Tolmie,
Watson (*Châteauguay-
Huntingdon-Laprairie*),
Winch,
Woolliams.

(Quorum 10)

ORDER OF REFERENCE

(House of Commons)

Extract from the Votes and Proceedings of the House of Commons, Tuesday, March 15, 1966.

Mr. Pennell, seconded by Mr. McIlraith, moved,—That a joint committee of the Senate and House of Commons be appointed to consider the state of penitentiaries under the control of the Government of Canada and the plans of the Government in relation thereto with powers to report from time to time its observations and opinions thereon; send for persons, papers and records; adjourn from place to place; sit during sittings of the House; and print from day to day such papers and evidence as may be ordered by the committee, and that Standing Order 66 be suspended in relation thereto;

That 15 Members of the House of Commons, to be designated at a later date, act on behalf of the House as Members of the said committee; and

That a message be sent to the Senate requesting that House to unite with this House for the above purpose, and to select, if the Senate deem advisable, some of their Members to act on the proposed joint committee.

After debate thereon, the question being put on the said motion it was agreed to.

Extract from the Votes and Proceedings of the House of Commons, Tuesday, March 22, 1966.

On motion of Mr. Pilon, seconded by Mr. McNulty, it was ordered,—That a Message be sent to the Senate to acquaint Their Honours that this House will unite with them in the formation of a Joint Committee of both Houses to consider the state of Penitentiaries under the control of the Government of Canada and that the Members to serve on the said Committee, on the part of this House, will be as follows: Messrs. Aiken, Allmand, Dionne, Fulton, Lachance, Macdonald (Rosedale), Matheson, McQuaid, Prud'homme, Ricard, Stafford, Tolmie, Watson (*Châteauguay-Huntingdon-Laprairie*), Winch and Woolliams.

LÉON-J. RAYMOND,

Clerk of the House of Commons.

ORDER OF REFERENCE

(Senate)

Extract from the Minutes and Proceedings of the Senate, Wednesday, March 23, 1966.

Pursuant to the Order of the Day, the Senate proceeded to the consideration of the Message from the House of Commons requesting the appointment of a Special Joint Committee of the Senate and House of Commons on Penitentiaries.

The Honourable Senator Connolly, P.C., moved, seconded by the Honourable Senator Hugessen:

That the Senate do unite with the House of Commons in the appointment of a Joint Committee of both Houses of Parliament to consider the state of penitentiaries under the control of the Government of Canada and the plans of the Government in relation thereto, and to report from time to time its observations and opinions thereon;

That nine Members of the Senate, to be designated at a later date, act on behalf of the Senate as members of the said Joint Committee;

That the Joint Committee have power to send for persons, papers and records; to adjourn from place to place; to sit during sittings and adjournments of the Senate; to print from day to day such papers and evidence as may be ordered by the Joint Committee; and

That a Message be sent to the House of Commons to inform that House accordingly.

The question being put on the motion, it was—

Resolved in the affirmative.

Extract from the Minutes and Proceedings of the Senate, Tuesday, March 29, 1966.

With leave of the Senate,

The Honourable Senator Beaubien (*Provencher*) moved, seconded by the Honourable Senator Macdonald (*Cape Breton*):

That the following Senators be appointed to act on behalf of the Senate on the Joint Committee of the Senate and House of Commons to consider the state of penitentiaries under the control of the Government of Canada and the plans of the Government in relation thereto namely, the Honourable Senators Benidickson, Cameron, Fergusson, Fournier (*Madawaska-Restigouche*), Gouin, Inman, Irvine, O'Leary (*Carleton*), and Prowse; and

That a Message be sent to the House of Commons to inform that House accordingly.

The question being put on the motion, it was—

Resolved in the affirmative.

J. F. MacNEILL,
Clerk of the Senate.

MINUTES OF PROCEEDINGS

THURSDAY, January 26, 1967.

Pursuant to adjournment and notice, the Special Joint Committee of the Senate and House of Commons on Penitentiaries met this day at 3:30 P.M.

Present: For the Senate: The Honourable Senators Benidickson (*Joint Chairman*), Cameron, Fergusson and Irvine—4.

For the House of Commons: Messrs. Watson (*Joint Chairman*) (*Château-guay-Huntingdon-Laprairie*), Aiken, Dionne, Lachance, MacInnis (Mrs.), McQuaid, Prud'homme, Stafford and Tolmie—9.

On motion of Mr. Dionne, seconded by Senator Cameron it was RESOLVED that this Joint Committee order that the Joint Chairman do have printed from day to day, as part of the proceedings, such papers as in their discretion are helpful to the consideration of this Joint Committee.

The following witnesses were heard:

Miss Isabel Macneill.

Mrs. Marion E. Batstone.

Miss Margaret Benson.

A statement by Miss MacNeill was ordered to be printed as appendix No. 1 to these proceedings.

At 6:00 P.M. the Committee adjourned.

At 8:00 P.M. the Committee resumed.

Present: For the Senate: The Honourable Senators Benidickson (*Joint Chairman*) and Irvine—2.

For the House of Commons: Messrs. Watson (*Joint Chairman*) (*Château-guay-Huntingdon-Laprairie*), Aiken, Allmand, MacInnis (Mrs.), McQuaid, Rochon, Stafford, and Tolmie—8.

Miss Macneill, Mrs. Batstone and Miss Benson were questioned further.

At 10:30 P.M. The Committee adjourned to the call of the Chairmen.

Attest.

Patrick J. Savoie,
Clerk of the Committee.

THE SENATE

SPECIAL JOINT COMMITTEE OF THE SENATE AND HOUSE OF COMMONS ON PENITENTIARIES

EVIDENCE

OTTAWA, Thursday, January 26, 1967.

The Special Joint Committee of the Senate and the House of Commons on Penitentiaries met this day at 3.30 p.m.

Senator W. M. Benidickson, P.C., and Ian Watson (*Châteauguay-Huntingdon-Laprairie*) M.P., Co-Chairman.

Co-CHAIRMAN (*Mr. Watson*): Members of the committee I see a quorum. It has been the practice in this committee, to date, to alternate chairmen, and since I was the chairman of the meeting held last Tuesday I will call upon Senator Benidickson to chair this meeting.

Co-CHAIRMAN (*Senator Benidickson*): Members of the committee, may I express my regret in not being present on Tuesday last. I am grateful to Senators Cameron and Fergusson for being here, and thus making sure that we had a joint committee quorum.

While it has been the practice of joint committees to alternate the chairmanship, I would ask Mr. Watson to carry on this afternoon until I get the feel of the committee, having regard to the fact that this is only the second meeting of the committee this year.

Most members present were at Kingston, and they received before the Kingston visit—and, indeed, since—some representations that give some background information with respect to the witnesses we shall be hearing today. May I express my personal pleasure in the fact that we have been able to get Miss Macneill and her former associates from some distance and at personal inconvenience to attend this afternoon to give us the benefit of their advice.

If Mr. Watson will now carry on as chairman I would appreciate it.

Co-CHAIRMAN (*Mr. Watson*): Thank you, very much, senator, for your confidence. There is one problem that we may have to face this afternoon. The members of this committee who are also members of the House of Commons may be called back into the chamber at any time because there are going to be several votes in committee there. However, in the interval I will carry on.

I should like to convey the apologies of the committee to the ladies for any inconvenience we have caused them by cancelling the meeting in December—and I am afraid we did cause them inconvenience. However, we are very pleased to have with us today Miss Macneill, Miss Benson and Mrs. Batstone. We shall follow the procedure of having each of the ladies outline the briefs, copies of which you have before you. Miss Macneill will touch also on the brief which was submitted to us on our visit to Kingston. After that the members of the committee will then direct their questions to the ladies.

I have been notified that Mr. Dionne has a motion that he would like to present to the committee now. Mr. Dionne, you have a motion?

Mr. DIONNE: Yes, Mr. Chairman.

(Translation)

I move THAT this joint Committee order that the Joint Chairmen do have printed from day to day, as part of the proceedings, such papers as in their discretion are helpful to the considerations of this Joint Committee.

(Text)

Co-CHAIRMAN (*Mr. Watson*): For the benefit of the members of the committee who do not speak French I will repeat this motion in English:

I move THAT this committee order that the joint chairmen do have printed from day to day, as part of the proceedings, such papers as in their discretion are helpful to the considerations of this joint committee.

Is there a seconder for that motion?

Senator CAMERON: I second the motion.

Co-CHAIRMAN (*Mr. Watson*): Is this motion unanimously agreed to?

MEMBERS OF THE COMMITTEE: Agreed.

Co-CHAIRMAN (*Mr. Watson*): I now call upon Miss Macneill. Perhaps we could have each of the three ladies make their statements, which will be followed by questioning by the committee. Is this a line of procedure which the committee accepts?

MEMBERS OF THE COMMITTEE: Agreed.

Mr. STAFFORD: Do you mean, Mr. Chairman, that all three ladies should finish their statements before we ask questions?

Co-CHAIRMAN (*Mr. Watson*): Yes.

Mr. STAFFORD: Would it not be better to ask questions as each one finishes?

Mr. AIKEN: I thought that that was your idea, Mr. Chairman.

Mr. STAFFORD: I think I shall find it difficult to direct questions to all three witnesses after they have all finished.

Co-CHAIRMAN (*Mr. Watson*): I think that this is what was generally agreed upon. Will you proceed, Miss Macneill?

Miss Isabel Macneill: Messrs. Chairmen, and members of the committee:

When the Commissioner of Penitentiaries offered me the position of superintendent Prison for Women in November 1960, he knew I was interested in the treatment approach rather than in operating a conventional prison.

The Archambault Report of 1938 and Fauteux Report of 1956 had recommended liaison with universities to formulate policies for the training of officers, and more classification and treatment of inmates. I believed that a different Penitentiary Service would be created by the newly appointed Commissioner who seemed to favour a scientific approach.

The Penitentiary Service of Canada has not been particularly successful in rehabilitating inmates. It is my conviction that the attitudes of many staff to inmates, their lack of knowledge of the reasons for criminal behaviour and lack of faith in the majority of inmates ability to reform, are the reasons why prisons have not been more successful.

From 1961 with the help of staff who felt as I did and the support of the Commissioner up to 1963, there were changes in staff attitudes in the Prison for Women. The physical plant was deplorable, classification of the many types of inmates committed was impossible, most staff were lacking in training in understanding the reasons for inmates behaviour; but something was happening to change many inmates.

The program was difficult for staff—there is no easy way to change the inmates' long established anti-social behaviour. Staff who supported the new approach, and inmates who wanted to change had to reject the traditional barrier between the custodian and the incarcerated.

From 1964 onwards several important decisions were made by the Penitentiary Service in relation to the Prison for Women and policy for federal female offenders generally, contrary to my recommendations and convictions. These decisions were the responsibility of the Penitentiary Service to make but I felt they obstructed the program which had reduced recidivism, and expansion of it in future when proper facilities and sufficient staff could be provided.

When I resigned on December 1, 1965 the Commissioner in accepting my resignation wrote: "...the program in the institution has borne fruit. This is indicated by the substantially lower rate of recidivism in recent years".

The problems facing the Commissioner in 1960 are appreciated. An increasing number of male inmates were incarcerated in grim maximum security prisons. As medium security institutions were completed they became overcrowded. I suspect that the overcrowding is largely due to a high rate of recidivism. It is possible that if the Archambault and Fauteux Report recommendations had been followed in relation to liaison with universities in formulating policy for training of correctional staff, recidivism might have been reduced. The training of penitentiary staff to-day appears to be conducted largely by Penitentiary staff and stresses regulations, custody, control, with little accent on the contributions behavioural scientists might make.

Prison for Women had no problems of overcrowding 1961-66. It was first occupied in 1937 and for many years did not approach capacity. In 1959 commitments rose drastically, largely due to the enforcement of the Opium and Narcotics Drug Act. It was anticipated that this trend would result in an increase of population to 150. A new building with accommodation for 50 was started in 1960, finished in 1961. Contrary to expectations the population decreased from an average of 125, 1961-63 to an average of 115, 1964-66. Of 127 women released between February 1959 and January 1961, 29 returned to the prison within a year of release. Of 144 women released between February 1961 and January 1963 only 14 returned within a year.

During this period federal male inmates, far fewer of whom were narcotics addicts likely to recidivate, did not remain out of prison, even for one year after release, in the same proportion.

The most urgent problem in relation to female federal offenders was to provide classification based on potential for rehabilitation. The Prison for Women population consisted of:

(i) A few professional criminals, damaging to persons and property for financial gain.

(ii) Narcotics addicts, equally divided between Eastern and Western Canada.

(iii) First offenders convicted of serious crimes against persons and property.

(iv) Young women often committed for absconding from or upsetting provincial institutions—their initial offenses being relatively trivial.

When the decision was made to create an institution for western female narcotics addicts at Matsqui, B.C., I protested. My reasons were:

(i) Institutions of a similar type in the United States had not been successful.

(ii) For reasons unknown the committal of addicts to the federal Prison for Women had been decreasing since 1961. The work of addiction

foundations in Ontario and British Columbia, a different approach by RCMP, and perhaps Prison for Women policy in treatment of addicts, with encouragement to settle in non-addict communities with support provided, may have contributed.

(iii) I believed the \$3,000,000 or more required to build the plant at Matsqui for female western addicts, the salaries of 60 or more staff required to operate it, could be expended more effectively on a new plant, with proper psychiatric and hospital facilities, and classification according to rehabilitative potential for all female federal offenders. The total population of female federal offenders has never exceeded 140.

(iv) If the federal government intends to assume responsibility for all female offenders sentenced to one year or more, in accordance with the recommendations in the Fauteux Report, it would seem logical to have one female federal institution, with facilities and trained staff appropriate to rehabilitating all types of offenders some time before the "take over". Some provincial jurisdictions are progressive in their approach to female offenders. They have recognized the necessity for classification, despite small numbers—and I refer particularly to the government of Ontario which has those institutions for females.

The Fauteux Report of 1965 recommended experimentation in all phases of the correctional system. I specifically recommended "a more intensified system of varied forms of treatment" in the Prison for Women, Kingston.

In my initial terms of reference I was responsible to the Commissioner for the treatment and training of inmates and the direction of staff. Other responsibilities, finance, supply, maintenance were divided between Kingston Penitentiary and Collins Bay, which made administration complex. When the regional system was implemented in 1962 I had no objection to Regional direction of finance, supply, maintenance. I had reservations about the treatment and training of inmates and direction of staff being removed from the supervision of the Commissioner to the Regional Director, Ontario. The Commissioner had indicated willingness to experiment, had supported a more intensified system of treatment. The selection of staff, with final approval by Penitentiary Service Headquarters had been a Prison for Women responsibility.

My terms of reference were not changed officially until December 1, 1965. However from 1964 onwards Penitentiary Service Directives gave more and more authority to Regional Headquarters for all aspects of the service.

There were some 2000 male inmates in the Ontario Region, 115 female. The flexibility and individual approach possible in a small institution were being submerged in a mass of directives, perhaps necessary for large institutions of 400-1000 males, but not appropriate for a small institution for females. Regional Headquarters assumed responsibility for establishment—that is the establishment of the institution—selection, promotion and training of staff, and many other matters concerned with treatment and training of inmates, and direction of staff.

It is logical that Regional Headquarters would wish conformity in all institutions under their control, but I believed there were basic differences between Prison for women and other institutions in the region.

(i) The majority of female inmates are self-destructive, their offenses due to addiction to narcotics or alcohol. Intensive treatment is desirable for many inmates but is essential for addicts who are asking for help by their behaviour and can be reached if a non-punitive attitude is adopted.

I had requested more custodial staff, and promotions of some custodial staff since 1962. More were approved but few promotions. In 1964

when it was apparent that more young emotionally disturbed difficult inmates were being committed (a trend most female correctional institutions will confirm) I requested more classification staff. The need for staff who could devote their full time to counselling inmates, contacts with families and agencies, planning release was acute. More inmates were seeking help. This request was refused on the basis that Prison for Women had 1:40 classification staff (one was supernumery assigned to Matsqui) male institutions had 1:150. I suggested the lower rate of recidivism in females might be related to this 1:40 ratio but additional classification staff were not approved before I resigned.

(ii) The female inmates were committed from all of Canada except Newfoundland. When custodial staff establishment was increased in 1964 I suggested that efforts should be made to secure staff representing two minorities in the prison who were unhappy—French Canadians and Canadian Indians. No effort was made by the Service to acquire such people. The regional aspect of administration was emphasized to the detriment of the national aspect.

(iii) All male institutions are designated as maximum, medium or minimum with varying degrees of custody and privileges, provided by detailed regulations. To administer Prison for Women, which contained such a variety of inmates, by adhering to the detailed regulations was illogical. I believe inmates should not be assessed by past offenses, their conformity to institutional regulations, but rather by their indication of a desire to change: and change is much harder for some than for others. Some inmates used treatment, religion, education, recreation—participation in all positive activities. Others used rebellion, but identified with one staff member, whom they trusted to interpret their desire for change to administration. There were consequences of physical aggression to staff or other inmates. Isolation until control was regained and loss of time permanently, were routine. If government property was deliberately destroyed financial consequences resulted.

Staff took into consideration the fact that inmates were living in a frustrating situation removed from normal life. The imposition of lengthy isolation with dietary restrictions of bread and water two meals a day was rejected as a rehabilitative consequence of misbehaviour.

In my experience the inmate who conforms, and who gives no trouble to authority, is either a person who is doing time to assuage societies desire for punishment, but could be more effectively treated on probation, or is a person who has learned to adjust to imprisonment, and is unlikely to adjust to society after release.

The process of changing inmates from the law breaking to the law abiding is complex. No one factor is effective. In the past six years the Canadian Penitentiary Service has provided educational and vocational training programmes, food, clothing, pay, possibly better than any correctional system in the world. These are essential in any correctional system, but are not the only requirements for rehabilitation, as is indicated by recidivist rates.

There will never be sufficient professional staff to treat all inmates. Many inmates do not require intensive therapy. There should be sufficient professionals with proper physical facilities to treat the seriously disturbed. A secondary and most important function of professionals is to act as advisers to senior administrative personnel. The training of staff, classification of inmates, consequences for misbehaviour of inmates are matters best understood by the behavioural scientists. The time has come when leg irons, windowless cells, bread and water two meals a day, prolonged isolation for punishment, should be removed from our correctional system.

It seems unlikely that deprivation of initiative by providing regulations for every possible eventuality concerned with inmates will enable them to adjust easily in a free society. A program which offers choices, with logical consequences for the wrong choices gives more hope for personal growth.

I believe the most positive factor in changing inmates is their identification with law abiding members of society. The men and women placed in authority over inmates must present a good image of our society—a society which should be concerned with their rehabilitation as individuals. The attitude that criminals are a mass, with criminality the common factor, eliminates the possibility of reaching the individual inmate. Staff must reject criminality, but accept the inmate as being something other than a criminal. The majority of inmates are inadequate, unmotivated, uneducated and hostile: most of them with reasons dating from childhood. Staff trust and concern for inmates as individuals worthy of respect, often engenders self respect.

There is only one reason for prisons: to protect society. Our laws do not provide for the detention of dangerous criminals until cured, if cure is possible. Society is not protected from them. The only way in which society can be protected, and the ever increasing cost of crime stemmed, is to ensure that the greatest possible number of inmates emerge from prisons able and willing to become law abiding.

I believe many prison for women staff, including Mrs. Batstone and Miss Benson, who gave leadership in the treatment approach, were accomplishing the objective of changing the law breaking to the law abiding. Their resignations indicate that the trend that caused my resignation, subjection of an individual approach to mass conformity—is increasing.

The majority of federal female offenders are imprisoned because of addiction to narcotics, or for crimes committed because of addiction to alcohol. The professional female criminal, damaging to persons and property for financial gain is rare in Canada.

From 1960 I estimate some \$4,000,000 has been spent on the institution for western female narcotic addicts at Matsqui B.C. and renovations and additions to Prison for Women, Kingston. As of October 1966 I believe some 110 staff are employed by the Penitentiary Service to administer, train, treat some 112 inmates.

I believe the problem of the federal female offender could be resolved in a more effective and less expensive way.

Co-CHAIRMAN (*Mr. Watson*): Miss Macneill, would you like now to go through your second statement? Does your second statement lead on from your first?

Miss MACNEILL: Yes, but there are more observations on philosophy, and that sort of thing.

Co-CHAIRMAN (*Mr. Watson*): Do you want it on the record?

Mr. TOLMIE: Perhaps Miss Macneill's second statement could be placed on the record and taken as read. We have gone over this first statement, and I think some time would be saved.

Co-CHAIRMAN (*Mr. Watson*): Is this acceptable to you, Miss Macneill?

Miss MACNEILL: Yes, if it goes into the record as a statement.

Co-CHAIRMAN (*Mr. Watson*): Does the committee agree that this second statement of Miss Macneill be part of the record?

MEMBERS OF THE COMMITTEE: Agreed.

(*For text of second statement of Miss Isabel Macneill see Appendix No. 1.*)

CO-CHAIRMAN (*Mr. Watson*): Would you care to make your statement now, Miss Benson?

Miss Margaret Benson: Messrs. Chairmen and members of the committee: When I resigned my position as psychologist in the Prison for Women in August of last year, I withheld any comment in the hope that consideration of a brief submitted to the Solicitor-General by the Elizabeth Fry Society of Kingston would bring about some changes which would help to return the Prison for Women to the status of an institution aimed at the rehabilitation of its inmates. I and other senior staff members at the Prison for Women had assisted in the preparation of this brief which was prepared at the request of Justice Minister Lucien Cardin.

The Prison for Women, when I first joined its staff, was one of the bright progressive spots in the Canadian correctional field. However, the restrictions imposed on it by the Regional System of the Penitentiaries Branch, particularly by the local rigid interpretation of this system, began to prove too restrictive for an institution of the nature of the Prison for Women which is not a regional prison in any sense of the word and cannot be fitted into any of the existing categories of penitentiaries used for male offenders.

In March, 1966, Miss Isabel Macneill resigned her position as Superintendent. Following her resignation, there has been complete implementation of the male penitentiary service organizational set-up.

I would like to make a few comments on the chances of effective rehabilitation and treatment under these conditions. The effect of a system of rigid enforcement of rules is conformity. However, conformity can come from respect, from fear, or from both. If conformity from fear alone could alter the behaviour patterns of the women with whom the prison is dealing, the very sentencing of them to prison should have achieved this effect. However, of the 371 women admitted to the Prison for Women during the period from April 1, 1961, to March 31, 1966, 32 per cent had previously received sentences to some correctional institution, reformatory, jail or the Prison for Women.

Conformity from fear alone obviously does not work. It is the gradual development of inner rather than outer controls that can lead to lasting change. From 1961-1966 the Prison for Women emphasized the learning of conformity through respect and the development of inner controls. Of 58 recidivists admitted to the Prison for Women during that period (all of whom had been in the Prison for Women at least once previously) 41 per cent had been returned to a useful life in the community and has stayed out of trouble (as of July 15, 1966). With a minimum of one year since release, only 31 per cent of that group of known recidivists had been returned to the Prison for Women. Such results are dramatically better than those obtained elsewhere in the Canadian Penitentiary Service.

Up to 1961 recidivism rates for the Prison for Women had been similar to those in the men's penitentiaries. Each year 7 out of 10 persons released were returned to either provincial or federal correctional institutions. Coinciding with the change in philosophy and program in the Prison for Women, the recidivism rate for women dropped to an average of 3.5 in every 10 persons per year. These results were not found to be related in any particular way to age, number of previous convictions, or type of offence. The recidivism rate in the men's institutions remained virtually the same although there had been improvements in training programs, pay for work, remissions, and other specific items in their program. The most obvious difference is the philosophy of rehabilitation, based on individual worth and an emphasis on closely coordinating the training and treatment program with after-care planning and assistance. It would appear

that this philosophy, then in force in the Prison for Women, had a direct bearing on the dramatic improvements in results.

With the return of a system of inflexible rules, one could predict some subtle effects. These were already noticeable at the date of my resignation.

A system of more or less inflexible rules builds up the inmate-staff barrier. The primary emphasis is placed on the difference between staff and inmates rather than on respect for the individual as an individual. This strengthens the inmate image of "we're different and we're inferior". Lack of self-respect is a characteristic in the female offender which is extremely hard to overcome. Imprisonment entails loss of freedom and further loss of freedom and further loss of self-respect. We surely assume that the aim of a correctional system is to bring the offender back into the law-abiding group, more desirous and more capable of being a part of society. If this is the aim, then one of the vital tasks of a correctional system is to bring to the attention of the offenders what they share in common with society—the emphasis must be on the positive elements in the individual, the elements that society accepts and respects and for which society can be proud of that particular individual.

The classification department in the Prison for Women operated in an effective and close-working relationship between classification staff, psychologist, psychiatrists, nurses, aftercare society workers, and other community agencies. Without any doubt, this system maximized the usefulness of all these services. During the months just before my resignation, I could see the classification department rapidly being reduced to an appendage to the system, rather than an integral part of it.

As a professional person with a need to respect the system for which I work and to be proud of the work that I am involved in, I found it intolerable to remain under a system where it now was becoming so unnecessarily difficult to work constructively.

Co-CHAIRMAN (*Mr. Watson*): Thank you very much, Miss Benson. If it is acceptable to the committee, we will change the announced procedure slightly. The statement which Mrs. Batstone made in November was apparently not received by all members and Mr. Savoie, our Clerk, is downstairs having photocopies made for everyone. I wonder if we could proceed now to question Miss Macneill and Miss Benson and have Mrs. Batstone's statement later? Is this acceptable to the Committee?

Senator FERGUSON: I do not want to start questioning now because I am not prepared to do it, but it is customary when we have witnesses to have them introduced with something said about their qualifications, which I do not think we have had. I realize that these are professional people who have had considerable experience, but I think their qualifications should be set before the committee. Whether you have them or whether you might ask them to give their qualifications themselves, I think they should be made known to this committee before we question them.

Co-CHAIRMAN (*Mr. Watson*): I would like to apologize to the ladies for this negligence on my part. I did not have the information in front of me.

Co-CHAIRMAN (*Senator Benidickson*): I have some of it, Senator Ferguson. I do not know in what detail I should give it. I was going to ask in the case of Mrs. Batstone what we were lacking before we had her evidence. This is in some detail.

Senator CAMERON: Could not Miss Macneill make a brief statement herself for our benefit on what her background and experience is, and do this with each one?

CO-CHAIRMAN (*Mr. Watson*): Thank you, Senator Cameron, I think that is an excellent suggestion. Would you do that, Miss Macneill?

MISS MACNEILL: During the war years I served as a commander, the commanding officer of *H.M.S. Conestoga*, which was the basic training establishment for all Wrens; some 6,000 Canadian Wrens went through this establishment.

When I left the training establishment I went to Halifax as Staff Officer W.R.C.N.S. on the staff of the Commanding Officer, Atlantic Coast, and I was responsible for the demobilization of some 2,300 Wrens in the area, which involved liaison, of course, with many organizations in Canada when we were trying to place these people back in civilian life as smoothly as possible.

Then I was asked to assume the superintendency of the Ontario Training School for Girls, which was a school for the juvenile delinquent group aged 10 to 15 in the Province of Ontario. I served in that position for 6½ years.

Then I was asked to return to the Navy to create a small permanent force of R.C.N. Wrens, and I remained in that position for three years.

For the next two years I did nothing, for personal reasons, illness in the family. Then I went to Europe and spent a year visiting correctional institutions. By that time I had had some contact with the late Brigadier Gibson, who was the Commissioner of Penitentiaries, and he gave me introductions to many institutions in Europe. I returned to Canada, and in 1960 was appointed Superintendent of the Prison for Women.

I have been a member of the Elizabeth Fry Society for about 18 years. I was a member of the Ontario Council of Canadian Corrections from 1954 to 1957. I am a member of the editorial board of the *Canadian Journal of Corrections*. I was invited by the American Society of Criminology to chair their meeting on female offenders in Montreal in 1964. I was head of a committee on juvenile delinquency in Halifax, Nova Scotia, in 1958.

At the present time I am about to assume a position with the Addiction Research Foundation of Ontario. I am also going to act as consultant to the Joint Commission on the Training of Manpower and Corrections in Washington, D.C. I was offered a position with this commission but decided to remain in Canada.

SENATOR CAMERON: What was your educational background previous to these experiences?

MISS MACNEILL: Strangely enough, I was educated as an artist; I attended the Nova Scotia College of Art and received a diploma in teaching. Then I went to England and spent some time there studying and working as a scenic designer. My qualifications professionally for this work are limited, but when I got into the training school business at Galt I availed myself of every opportunity to learn. I think my concern for people is the great advantage I have in this work.

SENATOR CAMERON: You graduated in the school of experience then.

MR. TOLMIE: On a point of clarification, you have had no formal training in this particular field?

MISS MACNEILL: I am not a professional.

MR. TOLMIE: You have no degree?

MISS MACNEILL: That is correct.

CO-CHAIRMAN (*Mr. Watson*): Thank you very much, Miss Macneill. Miss Benson, perhaps you could outline to the committee your educational qualifications and also your experience.

MISS BENSON: I have an Honours B.A. degree from Queen's University, with a major in psychology. I am currently completing a master's thesis from Queen's

University in clinical psychology, which includes clinical training, mental hospitals etcetera.

I spent a year acquiring a diploma in criminology at the University of Cambridge in England. This course includes field work and visiting a considerable number of institutions, finding out about probation etcetera.

When I returned to Canada I began as psychologist at the Prison for Women, where I remained until last August. Since then I have visited a number of institutions on the west coast of Canada and in California.

Co-CHAIRMAN (*Mr. Watson*): Thank you, Miss Benson. We will now, with the committee's approval, proceed to question Miss Macneill and Miss Benson. We will await the questioning of Mrs. Batstone until we have her statement and she can then make it.

The first member who has indicated that he wishes to ask questions is Mr. Stafford, then Mr. Aiken and Mr. Tolmie.

Mr. STAFFORD: Miss Macneill, you generalized a lot, gave many impressions and expressed a great number of strong opinions. In reviewing any case we must discuss these rules, regulations and directives, and the committee must determine whether or not your opinions are based on the facts necessary to counter those opinions or conclusions. What were the differences in the restrictions right after you went to the women's penitentiary compared with what they were before?

What I would like you to do is to express no opinions in reply to my questions at this point; I would just like the facts. Just list the facts for us, as shortly and concisely as possible, and let the committee come to a conclusion whether your opinions are properly based or not. What were the differences in the rules, restrictions or directives, which you have put so strongly? After you arrived at the women's penitentiary, what were the differences which made it so different and so much more effective?

Miss MACNEILL: When I arrived at the prison there was no educational program. A psychologist had been appointed. Mrs. Batstone had been there for three years working valiantly—

Mr. STAFFORD: I just want the facts.

Mr. AIKEN: Mr. Chairman, surely we must let her answer. Mr. Stafford should use his common sense.

Miss MACNEILL: The inmates of the prison were working four hours a day in the laundry, in the kitchen, in the shirt factory. They were locked up in the evening; there was very little evening program, although the Elizabeth Fry Society did come in one night a week. I am not suggesting that I created this program. This program was created by the Commissioner of Penitentiaries; he provided additional staff; it was agreed that inmates could go to school full time, and those who wished to went to school full time; he provided better clothing, better food and so on.

I think that what happened in the Prison for Women has been publicized very generally over the last six years. I understood your question initially, Mr. Stafford, was what was the difference between the beginning period, that is 1963, when I—

Co-CHAIRMAN (*Senator Benidickson*): No, November, 1960.

Mr. STAFFORD: What I wanted, without taking up too much time, was this. You talk about directives.

Msis MACNEILL: Yes, this is what I was coming to.

Mr. STAFFORD: You were forced to do things. I want to divide my question into two parts. What new directives were given after you took over, and what new directives were given to cause you to quit? Then we can analyze them.

Miss MACNEILL: There were very few directives when I arrived in the Prison for Women. There was a small handbook of about 40 pages of guidance to penitentiary officers. This was supplanted by several volumes of directives covering every single aspect of the operation of the Penitentiary Service.

Mr. STAFFORD: When did that happen?

Miss MACNEILL: Well, it was happening over the years from 1963, 1964, 1965. There was a deluge of directives on many things. As an example, inmates bring into the prison a certain amount of money, or they earn money by their spare time work. I am not referring to the pay they get, which must be controlled. Eventually we had to produce a detailed list of every single thing that an inmate could buy with her own money. I felt that this was bad training for the inmate. The inmate has a limited amount of money, whether she has earned it or whether it was sent in, and she should be learning to make the right choices in the expenditure of her money.

Mr. STAFFORD: You said you had to make lists of what she purchased.

Miss MACNEILL: No, of what she was able to purchase, a detailed list down to such things as bobby pins and so on. Now this—

Mr. STAFFORD: Just a minute. What things were not on the list that you felt should be?

Miss MACNEILL: I could not tell you because from time to time different situations arise. For instance, we had Doukhobors who came in and wanted to eat dulce and wanted special oils for cooking, things they were prepared to buy at their own expense. Special letters had to be written to get permission.

An arthritic woman came in, an elderly woman who wanted a deck chair because she could not sit on the ground, but deck chairs are not provided by the Penitentiary Service. There were many details of this sort.

In answer to your question, I would refer to section 26 (a) of the Penitentiary Act, which permits leave of absence, with or without escort, for humanitarian and rehabilitation reasons. Prior to 1963 I would present the case to headquarters, and on no occasion was this privilege refused. That is leave for over three days for rehabilitation and humanitarian reasons. There was only one occasion when this went wrong. As this became the authority of the regional director these permissions were refused.

In two such cases the inmates were about to be paroled; they were married women of 45 years and over. They had been separated from their husbands for three or four years, and it was the feeling of the institution that it would be beneficial to these women's ultimate rehabilitation that they should spend the Christmas holiday at home and come back to the prison, at their own expense. This request was refused. Both women were paroled within three or four months. I maintain that the purpose of this act is to facilitate the return of people to the community, and then if they run into problems bring them back into the institution.

Mr. STAFFORD: You mean when you first took over you could make your own decisions?

Miss MACNEILL: No, I did not make my own decisions. The decisions were approved by headquarters.

Mr. STAFFORD: By whom? The Parole Board?

Miss MACNEILL: No, by the Director of Inmate Training.

Co-CHAIRMAN (*Senator Benidickson*): At Ottawa?

Miss MACNEILL: In Ottawa.

Co-CHAIRMAN (*Senator Benidickson*): But when it became regionalized?

Miss MACNEILL: The Regional Director had the approval.

Co-CHAIRMAN (*Senator Benidickson*): You felt you did not have the same endorsement of your recommendations in respect of personal visits?

Miss MACNEILL: Not the same flexibility.

Mr. STAFFORD: When was the first one turned down?

Miss MACNEILL: Christmas, 1965.

Mr. STAFFORD: How many were allowed out on your recommendation without any refusals up to that time?

Miss MACNEILL: Four or five.

Mr. STAFFORD: How many since the one you have just mentioned did you have refused?

Miss MACNEILL: Three. I did not ask any more because I realized it was futile.

Similarly, section 26 (b), which allows leave up to three days on my authority, was used extensively on the recommendation of the staff. For instance, we had a well educated woman who wanted to attend the Dunning Trust Lectures at Queen's; she was a reliable person and was allowed to attend those lectures. We had inmates who wanted to take a course in art and they were allowed to go to a local exhibition. We had a plan for weekends when a group of inmates were taken out to the staff college.

In any case where we felt rehabilitation would be helped by outside activities this was done, but then I was told very firmly by the Regional Director that this was contrary to penitentiary policy, that no inmate should get any special attention because of her ability or special qualities. This is not the practice now. I read in the paper that a man in Saskatchewan was attending university. But I was told then that no inmate must be allowed out in this fashion.

Senator CAMERON: Was any reason given?

Miss MACNEILL: The reason was that no inmate should have any special attention because of any particular ability or interests that she might have.

Mr. STAFFORD: You say that that problem is non-existent at the present. Is that right?

Miss MACNEILL: I do not know about the Prison for Women, but I read in the press that a man is allowed to attend the University of Saskatchewan.

Another point of conflict was the decision to move the classification department geographically from the hospital area and the psychiatrist's office to a remote part of the prison where it would not be near the hospital ward or the psychiatrist. The classification officers and the psychologist were to be quite removed.

Mr. STAFFORD: Would that make much difference?

Miss MACNEILL: It would make a great deal of difference. Their records are shared; frequently there are conferences. Many of the patients, the inmates, with whom these people deal are in the hospital area.

Mr. STAFFORD: What would be the distance between the two offices?

Miss MACNEILL: The distance is perhaps not as important as the fact that there are barriers to go through. This is being done now. If you wanted to look at

a file you would walk up a two-storey stairway. Confidential letters might go back and forth and there is always the possibility of them being mislaid.

Co-CHAIRMAN (*Mr. Watson*): If I might ask a supplementary question on this point. Were these physical changes necessitated by anything that you saw?

Miss MACNEILL: No. The idea was that in the Penitentiary Service the classification department comes under the Deputy Superintendent; there was not room for the Deputy Superintendent in that area and therefore a new area was created so that the Deputy Superintendent would have the classification department near her.

In my opinion it is more important to have the classification and treatment people in close contact with the psychiatrist, nurses and medical officer than the Deputy Superintendent, who in general in the Penitentiary Service is not a professional person.

Mr. STAFFORD: He would be actually responsible though, would not he?

Co-CHAIRMAN (*Senator Benidickson*): It is a her. The classification department was described as being headed by a her. Is not that so?

Miss MACNEILL: The Deputy Superintendent is a man or a woman.

Mr. STAFFORD: But the Deputy Superintendent is over her in rank.

Miss MACNEILL: This is a very interesting point. This is one of the reasons why the Penitentiary Service is not getting professional staff, because a person with a university degree is not prepared to be responsible to a person, however estimable that person may be, who has worked up through the guard level, and certainly knows custody, but does not know treatment.

Mr. STAFFORD: Did the Deputy Superintendent ever interfere with a psychologist or psychiatrist in the treatment? Would he interfere in any direct way?

Miss MACNEILL: Not when I was there, Mr. Stafford, but I do not know. I have heard that this happens in institutions, and I have talked with professional penitentiary staff who feel they were interfered with in that way.

Mr. STAFFORD: In many businesses today all across this country we find owners of businesses, factories and corporations who have very little education hiring people of very high education, do we not, and being their bosses. Would it be any different in a penitentiary?

Miss MACNEIL: Yes, it is different when these people are treating inmates and inmates are being treated as required by their emotional and mental problems. There are quite often conflicts in ways of treatment; conflicts on how long a person should be locked up or whether they should be deprived of basic privileges. There are conflicts.

Mr. STAFFORD: I take it you feel that the psychiatrists or psychologists should be more or less in control and not take directives from above?

Miss MACNEILL: I do not think they should be in control, but I think professional people should be in the position of advisers.

Mr. STAFFORD: You know that there have been many complaints emanating from, I take it, your statements and those of Mrs. Batstone and Miss Benson, on television, and so on, concerning the Women's Prison since you left. I heard a program in which Doris French gave a summation after, it would seem, she had been talking to you. Do you remember that?

Miss MACNEILL: I have not talked to Doris French.

Mr. STAFFORD: She said that the Women's Prison at Kingston had "changed drastically for the worse since the resignation last March of its progressive and

far-sighted Superintendent Isabel Macneill." Do you agree it has changed drastically for the worse?

Miss MACNEILL: I do not know anything about it; I have not been in it. I think you should ask the other members.

Mr. STAFFORD: So as far as you are concerned the women's penitentiary may be as good now as it was when you were there?

Miss MACNEILL: From personal experience I am not prepared to discuss what it is like at the moment. I have talked to its ex-inmates and I have talked to people who have been in it who feel that there is a difference. I am not prepared to say it is better or worse, but it is different.

Mr. STAFFORD: I went down to the women's penitentiary a few weeks ago. I cannot remember just when; it was after the visit of the committee to Kingston. I then interviewed approximately 40 girls and took fairly extensive notes from 21 of them before I almost gave out. Would it surprise you to know that I found, after talking to them one at a time all by myself, with no superintendent, getting very directly to the point, that they had nothing to worry about in what they said about the new superintendent, every one of them to whom I talked liked it much better under the system now? I was unable to find one who did not. I put it to them in a fair manner, saying, "I am here to see if we can make this better. Have you got any complaints? What do you think of it now as compared with when Miss Macneill was here?" Would it surprise you that each one of them without exception—and I can give you the names of the 21 if you wish—thought it was much better under the system now than it was before, and that what they are learning now puts them in a much better position to accept life on the outside than when you were there?

Miss MACNEILL: No, it would not surprise me in the least.

Mr. MCQUAID: Mr. Chairman, I was wondering if the witness should be subjected to this type of questioning.

Miss MACNEILL: I do not mind in the least.

Mr. MCQUAID: If a member of the committee wants to set himself up as a witness, that is different.

Co-CHAIRMAN (*Mr. Watson*): Let me say this. I personally—and I think I can make this interjection—interviewed six inmates, four of whom were highly in favour of Miss Macneill's method and two or three of the other method. I think all members here have their own views on what is going on at the Women's Prison. We are here to get as much evidence as possible drawn out of the witnesses we have. I think Mr. Stafford's method of questioning will draw out the sort of evidence that we all want to hear, and I think Miss Macneill is quite capable of handling the questions.

Co-CHAIRMAN (*Senator Benidickson*): Miss Macneill says that she is. I want to raise one question, having made some inquiries on my own part, having, perhaps unlike Mr. Stafford, an assistant. My wife also made similar inquiries. The question I want to have resolved is, not whether they like it better, but whether, in Mr. Stafford's phrase, they were learning more.

Mr. STAFFORD: I am only quoting the summation.

Co-CHAIRMAN (*Senator Benidickson*): I want to know whether they liked it better or whether they were learning more, and what is the difference. I missed your point.

Mr. MCQUAID: There is a proper way to ask that question, Mr. Chairman. It ought not to be prefaced by a long statement on the information one of the members of the committee received from one of the inmates. Let the question be

asked of the witness without prefacing it by a statement. If he wants to set himself up as a witness, that is all right, but the witness ought not to be subjected to this form of leading questions. I do not think it is a proper way to conduct the meeting at all, if you will pardon my saying that.

Senator FERGUSSON: I think some of us would appreciate hearing Miss Macneill's answer to that question just the way it was asked.

Mr. STAFFORD: We will probably never get down to it if Mr. McQuaid has his way.

Miss MACNEILL: May I answer it?

Co-CHAIRMAN (*Mr. Watson*): Yes.

Miss MACNEILL: It would not surprise me in the least that inmates are infinitely happier in the Prison for Women. I know quite a lot about inmates, and I think most people who have known me will agree with that. Inmates in institutions want to do their time in peace; they do not want any challenges; they do not want anybody, as they said, "bugging" them to change.

The program we had in the Prison for Women caused turmoil. It caused turmoil intentionally. We wanted to encourage treason to criminal society, and we did it. We divided inmate against inmate population; they were not solid. An institution where the inmates are happy is usually an institution where there is great division—staff on one side, inmates on another; they know their places and they stay in them.

After all, inmates are, with very few exceptions, weak persons and they are quite happy to fit in. Some of those who might not be happy to fit in must fit in, because in an institution there is always a core of strongly—I do not like to use the word criminally orientated, but anti-law, anti-authoritarian people who tend to run the institution, and they will get the others to conform because if people conform you get more privileges, you get late TV, all these things, privileges that are very pleasant inside.

However, I do not think the inmate is the person to say she is being treated in a manner which will make her more ready to fit into our society. I think that must be proven in time. I think all three of us here stand on the record, which we have had checked by the RCMP. The survey carried out in 1963 was checked by the RCMP and then re-checked by the Psychology Department at Queen's, and they said the statistics are valid.

Mr. STAFFORD: Do I understand you correctly that the real difference in what happened when you were there, especially at first, is the fact that you more or less gave them more privileges, you let them make up their own minds more?

Miss MACNEILL: Not privileges, no. They had to make up their minds, but they were not given any more privileges. They have to earn privileges.

Mr. STAFFORD: Then would you list the differences in more factual form, when you felt it was just right and when you felt it was wrong?

Miss MACNEILL: The women's prison just right? I never felt the prison was just right.

Mr. STAFFORD: As right as it could be under your guidance.

Miss MACNEILL: When you are dealing with a group of people you must have flexibility. The population of a prison changes, it changes very quickly, remarkably quickly. When I first went to the prison there were very few young people and we were able to relax a number of the regulations. The first thing I believed in was free movement inside the institution, because I do not think any human being will adjust in society if she cannot make choices as to whether she will be in the right place at the right time. That is the first choice.

Mr. STAFFORD: What is another one? That is what I am looking for. The word "flexibility," if you understand what I mean, is a general term, it could mean anything. We have free movement within the institution under your guidance. What is another quality?

Miss MACNEILL: Another quality was that when people deviated—they knew where they were supposed to be and when they were supposed to be there—

Mr. STAFFORD: What do you mean? When they deviated from what? Their free movement?

Miss MACNEILL: When they deviated from the regulation that said where they were supposed to be they were spotted by staff and brought before the disciplinary committee. We determined what they needed, why they behaved in this way. In the Prison for Women in 1961, 1962, 1963 and 1964 the reason sought for misbehaviour was always "Why?" Not how they behaved but why they behaved in this way.

Mr. STAFFORD: You missed my point. How could you have a deviation from absolutely free movement?

Miss MACNEILL: My choice of words may not be good, but they had free movement to go from the dining room to classes or to the work areas.

Mr. STAFFORD: What do you mean, any time of the day or night they could go to classes?

Miss MACNEILL: During the day hours. You were in the prison, you know the routine. They spend a certain amount of time in the cells; in the day time they are in classes or work areas, and at meal times they are in the dining room.

Mr. STAFFORD: The point I am getting at is this, so that we can put it down in factual form: the difference between free movement, when you thought it was correct and when you thought it was incorrect.

Miss MACNEILL: I did not think free movement was ever incorrect. Individuals who violated it were dealt with.

Mr. STAFFORD: But when it was changed?

Miss MACNEILL: I was not there, Mr. Stafford, I do not know.

Mr. STAFFORD: So all the time you were there you certainly agreed with the free movement?

Miss MACNEILL: Indeed I did, yes.

Mr. STAFFORD: Then what quality was changed, or what directives changed it to make it so bad that you resigned? Could you list them? That is what I am getting at.

Miss MACNEILL: There are many things, but I think the simplest thing is that I happen to believe in treatment, I believe in the treatment process as the important thing for changing people. I do not think that people can be changed by directive; I do not think they can be changed by incarceration.

Mr. STAFFORD: I do not want to interrupt you, but—

Co-CHAIRMAN (*Mr. Watson*): Mr. Stafford, I am giving you free rein in your questions, but I think we should give Miss Macneill an opportunity to answer fully.

Mr. STAFFORD: I just want to put one question to Miss Macneill that, with respect, I think is very important. Could you give us the facts? What do you mean by "treatment"?

Miss MACNEILL: Selection of staff with the right attitude towards the inmates; selection of staff with the right educational background. These things are all described in my—

Mr. STAFFORD: What was it—

Co-CHAIRMAN (*Mr. Watson*): I think we should allow Miss Macneill to answer each question fully without any interruption. We will have to bear with Mr. Stafford, who is a very competent criminal lawyer, and he is cross-examining Mrs. MacNeill in a capable way. It is because of this that I am accepting his type of questioning, and I think we are getting to the root of the matter by this line of questioning. I think Miss Macneill is quite capable of handling it if she is permitted to answer the questions in full.

Senator CAMERON: Mr. Chairman, may I be permitted to make one observation? I have not had very much to do with Mr. Stafford; he may be a very eminent criminal lawyer, and he is certainly acting like one today, but that is not the purpose of this meeting. He has the right to ask questions here the same as anybody else, but personally I think we are now wasting time on minutiae that do not mean one darned thing in terms of hard facts. I think some of the other members of the committee might have something to say.

Co-CHAIRMAN (*Mr. Watson*): Mr. Stafford, we will give you another seven minutes to complete your questioning.

Co-CHAIRMAN (*Senator Benidickson*): Mr. Stafford, I am not chairman today, but as I have listened to your examination, which has been quite extensive, I wondered whether it could be confined to perhaps a question without detail's. Miss Macneill came in 1960, she resigned in March, 1966. Could you not confine your questions to the reasons for her resignation in March, 1966, the programs that she had developed over those years that were either changed or not accepted?

Senator FERGUSON: We have other witnesses, I would like to remind the chairman.

Mr. STAFFORD: Would you then answer the senator's question, Miss Macneill, as he put it?

Miss MACNEILL: Mr. Chairman, there are many reasons. I cannot possibly go into all the reasons for my resignation. The main reason is, I think, I felt the Penitentiary Service was not following what I believe to be a very important part of the rehabilitation of criminals, and that is providing the type of staff who can work closely with inmates.

I am not suggesting that the Penitentiary Service can employ endless psychiatrists, psychologists and social workers. I feel that other staff could be trained in this sort of thinking. Inmates are anti-social, they have reasons for being anti-social, there are techniques for changing thinking and this requires intensive individual or group therapy.

I asked for classification staff in 1964. I did not get them.

Mr. STAFFORD: Did you have them before?

Miss MACNEILL: I had Mrs. Batstone who did classification. She had two secretaries, and she was carrying a tremendous load. We were one year without a psychologist. I do not know why the Penitentiary Service could not get a psychologist, but we were one year without one, and this made the treatment program, the team approach which I believe in, impossible.

In Galt I had the experience of having a psychiatrist to begin with with no supporting staff. It was completely ineffective. You can have five psychiatrists in a prison for women, but if they do not have the social workers, psychologists, guidance counsellors, call them what you like, working with the inmates, then they are ineffective. I went through this at Galt, and I ended with a full-time psychologist and eight social workers for 125 children.

Mr. STAFFORD: What was the total number of employees in the women's penitentiary when you quit?

Miss MACNEILL: When I went there there were 46, when I left there were 56, and now there are 79. I do not understand, and will never understand, why I did not get the staff that I required.

Mr. STAFFORD: That was 56 for how many inmates?

Miss MACNEILL: One hundred and twenty-five; 130 at the top, and it went down to 103. That was the average.

Mr. STAFFORD: I would like to get back to the question I was on before the co-chairman asked you his question. What directives actually changed some time before you resigned?

Miss MACNEILL: There were not directive changes. There were new directives brought out.

Mr. STAFFORD: What were they? That is what I am asking. Would you just list a few of them? My time is nearly up, you see, and I want to get an answer.

Miss MACNEILL: Well, every single aspect of inmate life is covered by a directive. Inmates must have passes to go everywhere; there must be control; the handling of the disciplinary board.

Mr. STAFFORD: How?

Miss MACNEILL: It sounds like a sort of court-martial. In other words, testimony taken and so on. Now, these are inadequate people whom you can get at by counselling, but not by having a secretary sit down and take notes of everything that person says, because usually they say nothing and you get nowhere.

Mr. STAFFORD: Would you just list a number of these directives given, I think you said, by regional headquarters?

Miss MACNEILL: I used the word "directive" not as something that is typed out, although there are hundreds of those. There was a directive that the classification department was to be moved. Another directive I was given was that polyethylene would be better in the cells than curtains.

Mr. STAFFORD: Are these the directives?

Miss MACNEILL: There was a directive concerning barriers after we had some trouble. Eight inmates were involved in trouble in January 1964, and temporarily I agreed that barriers had to be locked. After a few weeks the institution settled down very quietly and I wanted to open the barriers, but the Regional Director said no, that it was safer to leave them that way. In other words, a maximum security institution. This is the type of thing I am talking about as a directive.

Mr. STAFFORD: Are there any more?

Miss MACNEILL: There are many more.

Mr. STAFFORD: What I wanted to do was to ask you what these stern directives were that you indicated in your opening and let the committee come to the conclusion whether they merit any comment.

Miss MACNEILL: Mr. Stafford, if the committee is going to investigate the Penitentiary Service you will have the opportunity of reading these directives.

Mr. STAFFORD: I just wondered if you could name a few, just list them briefly. Could you do that? Then I will end my questioning there for now.

Senator FERGUSSON: The seven minutes have expired, Mr. Chairman.

Mr. STAFFORD: Would you just list the directives?

Co-CHAIRMAN (*Mr. Watson*): There are now thirty seconds left.

Miss MACNEILL: Thirty seconds is too short a time. I will send them to Mr. Stafford.

Mr. TOLMIE: In defence of Mr. Stafford, I would say I think this is very valid. If the answer is not forthcoming, that is fine, but I think this is quite relevant.

Mr. MCQUAID: We could all get copies of these directives.

Mr. STAFFORD: We will listen to your questions and see how direct they are.

Miss MACNEILL: I would like to say that we had three people administering the institution when I went there. I was the superintendent, I had an assistant superintendent for organization administration and an assistant superintendent for supply. We were running an institution which was as complex in character, although not as great in numbers, as Kingston Penitentiary.

As these directives came out they established procedures for a staff of 80—special service officers, staff training officer, vocational training officer and so on; there was a set of directives for the operation of all these people, whom we did not have. I tried very hard to keep up with these directives, but we had a staff shortage and I would have had no time to run the institution if I had followed the directives. If you get hold of the volumes I think you will understand what I mean.

Mr. AIKEN: I have just two or three questions to put to Miss Macneill. From 1960 until you resigned you were part of the Canadian penitentiary system and associated with the governing body of the male prison as well as the female. In other words, you had contact back and forth with everyone in the Penitentiary Service in the Kingston area and Ottawa. Is that correct?

Miss MACNEILL: Yes.

Mr. AIKEN: Do you find that the Penitentiary Service has a natural magnetism towards rigidity, conformity and punitive measures, that this is the basis from which the Penitentiary Service traditionally operates?

Miss MACNEILL: Rigidity and conformity; I would not say punitive, except in a very few instances. I have observed things that I consider punitive. For instance, I consider taking a man to court in leg irons unnecessarily punitive; I do not think these things are needed today. However, I would not agree in general that the Penitentiary Service is punitive.

Mr. AIKEN: Would you have said restrictive?

Miss MACNEILL: Yes.

Mr. AIKEN: Actually your struggle was an effort to move away from this rather natural inclination of the Penitentiary Service and bring in measures that were more fitted to the individual prisoners. Is that correct?

Miss MACNEILL: Yes.

Mr. AIKEN: Do I understand from your evidence that you thought the Prison for Women should be responsible directly to the Commissioner rather than be under a regional area?

Miss MACNEILL: Yes, I did.

Mr. AIKEN: Do you feel that fundamentally this was the problem you encountered as there was a change in policy, putting you under the regional area?

Miss MACNEILL: Yes. I would not like to suggest it was a question of personalities. The point was that as the Penitentiary Service developed from 1960

the regulations just became more and more restrictive and a certain authority was given to the Regional Director. For instance, he had the authority under section 26 to let people go off for two or three weeks with or without escort, but he did not have authority to send a person to hospital, the doctor's permission would have to come to Ottawa for this, and I found this very confusing.

Initially everything went to headquarters. I can see that headquarters could not possibly be concerned with all the institutions now, but I do believe the Prison for Women is different, it has a different type of population. It was also small enough for experimentation, and this is what we were doing, we were experimenting; some experiments worked, some did not.

Mr. AIKEN: Would you like to make any comment on other specialized reform institutions, say minimum security institutions or centres for addiction or others like that? Would you feel that perhaps special responsibility for them should be directed towards the Commissioner, giving them a little more freedom in their own field?

Miss MACNEILL: I cannot really speak about them because I do not know enough about them. I have not visited Matsqui. I do not think the program there is under way because they have not got enough inmates. I believe there are other minimum security institutions, but I would not make a statement on that aspect, because frankly I do not know.

Mr. AIKEN: From your experience in the Prison for Women, would you feel there might be tendency for specialized agencies to get bogged down in paper work and regulations, as you were, when trying to do a specialized job?

Miss MACNEILL: Yes, I would go along with that.

Mr. AIKEN: My comments are based on the fact that one or two minimum security institutions are under the same difficulty.

Miss MACNEILL: I do not know whether they are under difficulty, because all their paper work is done by the parent institution, so they do not really have the same problem I had.

Co-CHAIRMAN (*Senator Benidickson*): You mean they are—

Miss MACNEILL: They are satellites.

Co-CHAIRMAN (*Senator Benidickson*): Satellites, that is the right word.

Mr. AIKEN: Is the office of the Regional Director for Ontario located in Kingston?

Miss MACNEILL: Yes.

Mr. AIKEN: In fact, there is quite a substantial complex of prisons and penitentiaries?

Miss MACNEILL: Yes. There are some 2,000 men, I think, in the area.

Mr. AIKEN: Fundamentally, then, your complaint is that the Prison for Women is a specialized institution which is different from the others there for men, and that you could more easily be self-contained if you were under direct instruction from Ottawa, from the Commissioner, rather than from the Regional Director?

Miss MACNEILL: Yes, I believe this.

Mr. AIKEN: You said you believe it is not a question of personalities?

Miss MACNEILL: That is right.

Mr. AIKEN: It is a question of the organizational set-up?

Miss MACNEILL: That is correct.

Mr. AIKEN: And anyone who was superintendent of that Prison for Women would run into the same problems as you did if they were tied down with the type of paper work and directions that you encountered?

Miss MACNEILL: If they wished to run a creative institution and experiment, yes.

Mr. AIKEN: So there is a direct conflict between the regional set-up and the independent staff that you think you should have. That is all, thank you.

Co-CHAIRMAN (*Senator Benidickson*): Miss Macneill, I am abusing my privilege here, but could I ask you this. You used an interesting word, "satellite". The Prison for Women is one of a kind, a national institution for women. Were you in any sense a satellite of the complex at Kingston? Did you have to subscribe to some senior person at Kingston?

Miss MACNEILL: Initially my terms of reference made me responsible to the Commissioner of Penitentiaries for the treatment and training of inmates and the direction of staff. All other aspects of management were the responsibility of Kingston Penitentiary. Then it was split: supply and maintenance went over to Collin's Bay, so I had liaison with the Warden of Kingston Penitentiary and his staff, the Warden of Collin's Bay and his staff, the Commissioner of Penitentiaries and the Regional Director and his staff. It was a nightmare of administration, because the areas were not defined.

Co-CHAIRMAN (*Senator Benidickson*): If I may ask one question to follow that up. You were unique in that you were a national ladies' institution?

Miss MACNEILL: Yes, sir.

Co-CHAIRMAN (*Senator Benidickson*): But under some re-organization in the early sixties there was developed a regional authority to which you reported, notwithstanding the fact that you were national in your activities?

Miss MACNEILL: Correct.

Mr. TOLMIE: Of the approximately 7,000 penitentiary inmates, to how many do your remarks apply?

Miss MACNEILL: My remarks about treatment?

Mr. TOLMIE: Yes. How many are in the institution to which you are referring?

Miss MACNEILL: The female situation is different from the male.

Mr. TOLMIE: How many in numbers?

Miss MACNEILL: I am sorry, I do not follow.

Mr. TOLMIE: What I am trying to arrive at in perhaps a cumbersome way is this. There are approximately 7,000 penitentiary inmates. How many are in the women's institution at Kingston?

Miss MACNEILL: I do not know, but I believe at the moment there are roughly 75 in the Prison for Women and about 25 in Matsqui. I am not sure of the figures.

Mr. TOLMIE: Then we are discussing 75 inmates. As I understand your contention, which I think you have very vividly stated, the Penitentiary Service does not stress rehabilitation but tends to emphasize custody and security. All the evidence presented to the committee, and my information, has been to the contrary. For example, in the evidence submitted by the Honourable L. T. Pennell, the Solicitor General, he states that the penitentiary system has in the past, and will even more so in the future, stressed the question of rehabilitation, and he cites various programs they are carrying on such as leisure time, religion, contact with families, contacts with social agencies, contact with society, clas-

sification process, diagnostic service, counselling and education. On page 1 of your statement you say:

It is my conviction that the attitudes of many staff to inmates, their lack of knowledge of the reasons for criminal behaviour and lack of faith in the majority of inmates' ability to reform, are the reasons why prisons have not been more successful.

This seems to be a divergence of opinion. Would it be fair to say that the attitudes of yourself and the Penitentiary Service are the same, and that it is just a question of having the personnel and facilities to attain these goals?

Miss MACNEILL: I think that is a fair statement. My statements are based on certainly two studies that I know of, one by Dr. Ciale of the University of Montreal on St. Vincent de Paul and the Federal Training Centre, in which it was indicated that some 68 per cent returned in five years, and recently in the *Canadian Journal of Corrections* there was a study on recidivism and parolees by Mr. Andrews. To my knowledge, not a great deal of research has been done on recidivism, but by following the Commissioners' reports over ten years you do get a picture.

Mr. TOLMIE: I just want to get back to my original question.

Miss MACNEILL: I agree.

Mr. TOLMIE: There was no divergence of opinion as to the necessity of the rehabilitation attitude towards inmates between yourself and the Penitentiary Service?

Miss MACNEILL: No. I think there is a diversity of opinion perhaps on the necessity to have more therapy in institutions. I know there are many vacancies for psychologists.

Mr. TOLMIE: Are you prepared to say your aims and the aims of the service are the same, but it is difficult to get the personnel?

Miss MACNEILL: Yes, I agree they are the same.

Mr. TOLMIE: So you are all working together, but it seems that at the present time you just have not got the facilities. I think that is basically the position.

Miss MACNEILL: I think the approach as well as the facilities. We must recognize that there are still a great many, if I may use the phrase, old-timers in the Penitentiary Service. Undoubtedly there has been an effort to train them, but if you study the curriculum of the Ontario Staff Training College you will observe that there is very little in it on the personality of the offender; the curriculum tends to stress how to handle people rather than why they behave as they do.

Mr. TOLMIE: Would you agree that the Solicitor General in his statements and by his record has indicated a desire to emphasize rehabilitation?

Miss MACNEILL: Very definitely.

Mr. TOLMIE: And that ultimately he is responsible for the attitude in penitentiaries, and therefore, since he feels that way, this is now in the process of being implemented, and will be more so in the future?

Miss MACNEILL: Yes, if he is left. In my opinion some of the most positive statements ever made on penitentiaries were made by Mr. Favreau in his speeches.

Mr. TOLMIE: I do not think the questions put by Mr. Stafford were at all irrelevant, because you categorically stated that there were certain changes in the regulations, and restrictions.

Miss MACNEILL: Not changes. Regulations and restrictions were created, in my opinion unacceptable to an institution of 100 people.

Mr. TOLMIE: That is fine. Now we have arrived at this position, that new regulations were instituted. You mentioned two or three things that were proceeding very nicely and then they stopped. You mentioned more movement, that you created more movement, and you mentioned the question of barriers. Did these regulations curtail educational facilities? Just "Yes" or "No" if you can.

Miss MACNEILL: Yes, I would say they did, because in the beginning we took groups of inmates in school out to educational institutions and this was curtailed.

Mr. TOLMIE: It was curtailed?

Miss MACNEILL: Yes.

Co-CHAIRMAN (*Senator Benidickson*): When?

Miss MACNEILL: In about 1964.

Mr. TOLMIE: Did they curtail entertainment?

Miss MACNEILL: No, there was no curtailment of entertainment.

Mr. TOLMIE: Did they curtail religious knowledge?

Miss MACNEILL: No, definitely no curtailment of religious knowledge.

Mr. TOLMIE: Did they enforce longer hours in the cells, for example?

Miss MACNEILL: It was suggested. I resisted this. This is one of the things I would say I disobeyed.

Mr. TOLMIE: You mean you changed the regulation?

Miss MACNEILL: No. The decision was left with the superintendent, but it was suggested after this disturbance that inmates should be locked up again at 8 o'clock. I said I saw no reason for restricting 100 people because of the activities of only eight, that I preferred to deal with the eight.

Mr. TOLMIE: So it was not put in a regulation?

Miss MACNEILL: No, it was not a *diktat*.

Co-CHAIRMAN (*Senator Benidickson*): Are the members of the committee who attended the Kingston institution right in their impression that, except for a lack of facilities in that there are perhaps 75 female inmates and only perhaps 55 acceptable rooms, the rooms are not locked rooms, they are open for sociability, the doors are open for a relatively long period of the day? In fact they are always open; there are no locks on the 50 or so rooms that I observed.

Miss MACNEILL: That is correct.

Co-CHAIRMAN (*Senator Benidickson*): They looked like nice bedrooms to me.

Miss MACNEILL: Very nice.

Co-CHAIRMAN (*Senator Benidickson*): They are better than many bedrooms in girls' colleges, but there are not enough of them in my opinion. There are still 30 people not in them, some of whom do not need a poor establishment and could have a better establishment.

Miss MACNEILL: That is correct.

Mr. TOLMIE: Is it not true that there are more vacant cells than are required?

Miss MACNEILL: The Prison for Women has never reached capacity, but a number of inmates were transferred to Matsqui and a number of inmates were

paroled. I do not know anything about it. I do not know why the population is so low, except that the people we had over the years are not coming back.

Mr. TOLMIE: It is not a crowded prison then?

Miss MACNEILL: It is not a crowded prison.

Mr. TOLMIE: But they cut down visiting privileges?

Miss MACNEILL: I had some trouble over visiting privileges. When the regulation came out it specified very clearly one hour a month, which could be divided into two half-hour visits. Previously, because we had inmates from long distances, we would allow parents to visit every day. I do not know whether it has been cut down or not; I would not be able to answer that. Certainly that was the regulation as issued. In other words, I was constantly in the position of ignoring the regulation.

Mr. TOLMIE: You ignored the regulation?

Miss MACNEILL: I had to ignore the regulation, yes. The Commissioner knew I was ignoring the regulations and he agreed that I could ignore them, but the regulation was there.

Mr. TOLMIE: You say the visiting privileges were changed but perhaps not curtailed.

Miss MACNEILL: They were not changed; they were defined by regulation. When I went to the prison, by custom over the years, if a visitor came to the prison from hundreds of miles away—

Mr. TOLMIE: Miss Macneill—

CO-CHAIRMAN (*Senator Benidickson*): Let her finish her answer.

Mr. TOLMIE: I would like to have an answer to this very simple question.

Mr. AIKEN: Mr. Chairman, on a point of order—

Mr. STAFFORD: Let him finish.

Mr. TOLMIE: Miss Macneill cannot finish an answer if it is not an answer to the question asked.

Mr. AIKEN: This is ridiculous.

CO-CHAIRMAN (*Mr. Watson*): Order. Mr. Tolmie, I think we should allow Miss Macneill to answer that question fully and then you can proceed.

CO-CHAIRMAN (*Senator Benidickson*): Miss Macneill, would you finish the answer about visitors coming from more than a hundred miles?

Miss MACNEILL: You see, this is one of the things that makes this institution unique. More than half the population at one time were from the west coast, drug addicts and so on; they had very few visitors, but if a visitor came and spent three or four days there that visitor was permitted to visit every day. This was contrary to the regulations issued in the directive; the directive stated that for a maximum security institution the visit would be so-and-so. The Commissioner was very understanding about this and said that certainly they could visit. I was therefore in a position where over and over again the regulations did not fit the situation.

Mr. TOLMIE: Then in the case of visiting privileges you found that in order to administer the visiting hours properly, sometimes regulations would have to be overlooked in the interests of the inmates?

Miss MACNEILL: That is correct.

Mr. TOLMIE: What I gather from your answers, Miss Macneill, is that you were more or less disturbed by the actual administration according to the regulations?

Miss MACNEILL: Yes.

Mr. TOLMIE: But the general philosophy does not seem to be so paramount. It is a matter of the routine in administration changes to which basically you took objection. Is that correct?

Miss MACNEILL: I think there was a change in philosophy after 1963. There were a number of troubles in the Penitentiary Service in 1962, and although certainly rehabilitation remained the goal I think that there were some changes in attitude.

Mr. TOLMIE: Have you studied other comparable women's institutions in other countries?

Miss MACNEILL: I have visited about 50, I think.

Mr. TOLMIE: How would this one compare?

Miss MACNEILL: Oh, this is a very rigid prison today. I do not know of another women's prison where passes are required to move from one area to another. Most institutions have a perimeter which is a wire fence, and within the perimeter there is free movement, except that each supervisor of an area is responsible for having the people she should have in her department, but it is left up to the inmates to go. Alderson, West Virginia, which is a federal prison for women, is a large college type campus, and women move quite freely between buildings. There is one house there which has no staff supervision, one cottage of 35 women.

I visited Holloway, which is, of course, a medieval building, where most women who are a long time there can move to a prison farm, Askham Grange, where there is no fencing; these women live in a country house and can go by bus to York and work.

CO-CHAIRMAN (*Mr. Watson*): Mr. Tolmie, I wonder if I could interrupt your questioning to allow Senator Fergusson to put some questions?

Mr. TOLMIE: I had finished.

CO-CHAIRMAN (*Mr. Watson*): Mrs. MacInnis, you should come next, but would you permit Senator Fergusson to interpose?

Mrs. MACINNIS: Certainly.

Senator FERGUSSON: I have to leave to catch a plane. I had hoped to have the chance to ask a number of questions, but one of the things I particularly wanted to ask Miss Macneill about was the condition she found in the prison when she went to it in the first place. I had visited the prison in the fifties and came away then feeling very distressed that we should be treating people as they were being treated. I made a speech in the Senate on it, but I do not suppose any of the rest of you ever heard about it. I felt very badly about it.

There were at least six things I listed then which I thought were dreadful, and when I went back after Miss Macneill had been there some years I found all of them had been changed under her supervision. What I wanted to ask was what she found, what changes she made and if they are now going back to the previous system. I am not able to say. I thought it might be useful for the committee to know she had made such great advances.

There are a number of other questions I wanted to ask her. Is it right anyway to have only one prison for the women from all over Canada?

Miss MACNEILL: I think there were tremendous changes in the penitentiary service in 1960, and I think the reason for them was the foresight of the Commissioner of Penitentiaries. When I went to Kingston the inmates were practically in rags. There was no educational program. They were working only four hours a day. But, these things changed, certainly within the next year or so,

in the Prison for Women, and this was due to the provision of funds by the Commissioner. The thing that was not changed to my satisfaction during the whole period was the quality of the staff. There were some very, very good people in the prison when I arrived, but there were other people who were basically non punitive—it was not a punitive institution. There was a rejection of the potential for inmates to change. This was the general atmosphere. However, Mrs. Batstone is far more qualified to discuss this than I am because she was there three years before. I think she can tell you about it.

CO-CHAIRMAN (*Mr. Watson*): I think that the committee is going to have to sit this evening, if there is agreement in that respect. I am sure members of the committee have many more questions that they want to ask Miss Macneill. I have a number myself, and I know that several other members have indicated their wish to ask questions.

Miss Macneill, perhaps you could answer for the record the last question which Senator Fergusson directed to you, which was: Do you feel that a single women's prison is adequate for Canada, plus the one in British Columbia?

Miss MACNEILL: Well, I personally believe that one prison for Canada is quite adequate at this stage, with the possibility of repeating the same facilities. Most of the inmates come from the central part of Canada. I think that one must be practical. Of course, it would be ideal to have seven prisons, each containing 30 inmates, but this is—

CO-CHAIRMAN (*Senator Benidickson*): You are still dealing with 75 inmates.

Miss MACNEILL: Yes, but there are 20 or more in the west. But, I cannot see more than one prison in Canada at this point of time. If the offenders sentenced to one year or so are going to be assimilated by the federal Government then that is another story. But, I think one prison would be adequate, especially if pre-release houses were established as they are needed, because there certainly must be a transition between the prison and the community, and it should be under the supervision, I believe, of the Penitentiary Service.

CO-CHAIRMAN (*Mr. Watson*): On what do you base this opinion that there should be a single prison for women in Canada?

Miss MACNEILL: Because you can get the quality of staff.

CO-CHAIRMAN (*Mr. Watson*): I would ask the members of the committee, and Mrs. MacInnis in particular, to permit Senator Cameron to ask a few questions. He has to attend the Public Service Committee this evening.

Senator CAMERON: Mr. Chairman, may I preface what I want to say by saying that in the person of the present Minister, Mr. Pennell, we have a person who is as sympathetic and as forward looking by temperament as could be found anywhere today. I think that that is a positive factor. However, I have been around here long enough to know that ministers can become captives of the establishment, and thus not able to do everything they might like to do. I do not intend to say anything more about that. One of the things that interested me, Miss Macneill, is the statement on page 12 of your submission that in 1966 there were 110 staff for 112 inmates.

Miss MACNEILL: That is correct.

Senator CAMERON: Is this a normal ratio of staff to inmates?

Miss MACNEILL: No.

Senator CAMERON: Well, could you give very briefly the composition of this staff?

Miss MACNEILL: Well, I do not know, Senator Cameron. I am not there, you see. There are 79 in the Prison for Women, and I believe about 34 in Matsqui. I

do not know the composition of the staff. I think Miss Benson or Mrs. Batstone can answer you, because I have not been in the prison since March.

CO-CHAIRMAN (*Senator Benidickson*): This is the only women's institution, but from the figures given to the committee, as I recall them, I think I would be correct in saying on a broad basis that there was at least one member of staff for every two inmates in other institutions. I am thinking of the male institutions.

Miss MACNEILL: When I left this was the ratio, senator.

Senator CAMERON: As you know, I live in Banff, and we jokingly refer to the Banff Springs Hotel as having one staff member for every "inmate". This ratio is pretty much the same for the Prison for Women? But, what percentage of these 110, as you knew the figures, are educationally qualified or educationally oriented to give this rehabilitation outlet which you emphasize, and with which I agree?

Miss MACNEILL: When I left the Prison for Women there were 56 staff. There were two teachers. I consider nurses professionals, and there were three nurses. Mrs. Batstone was a social worker, and Miss Benson was the psychologist. There were two extremely competent secretaries in the classification department who of necessity had been worked into the program of the classification department. I think that that is all.

Senator CAMERON: The rest would be custodial personnel?

Miss MACNEILL: Or vocational teachers, but usually we promoted custodials to run the laundry and the shirt factory, and so on.

CO-CHAIRMAN (*Senator Benidickson*): That is, supervising the work done in the laundry, because the manual work is done by the inmates?

Miss MACNEILL: Yes.

Senator CAMERON: Would this add another two or three to the so-called teaching staff?

Miss MACNEILL: The teaching staff in Home Economics, and the teaching staff in the shirt factory—certainly, there was not much opportunity to teach in the kitchen or to teach in the laundry. This was work. The rest were administrative or correctional.

Senator CAMERON: What percentage of the staff, roughly, were administrative?

Miss MACNEILL: There were 26 custodials when I left, and roughly five administrative.

Senator CAMERON: And what would be the qualifications of the custodials? What educational or what—

Miss MACNEILL: We always looked for Grade 12 at least, and we looked for people who had been involved in working with people in, say, church groups. We had a number from the Ontario Hospital who had been nurse's attendants.

Senator CAMERON: Would they be nurse's aids?

Miss MACNEILL: Nurse's aids, yes, but actually the determining factor in our recommendations was their attitude towards people. We wanted people who could accept even the most unacceptable.

Senator CAMERON: We will leave that. What percentage would be the turnover of population per month?

Miss MACNEILL: Of inmates?

Senator CAMERON: Yes.

Miss MACNEILL: Four in and four out—no, five and a half out.

Senator CAMERON: Five and a half out?

Miss MACNEILL: Yes, and four in.

Senator CAMERON: Of these you have referred to a number of Indians and a number of French Canadians, who for obvious reasons would require some specially qualified people to deal with them effectively. What percentage would there be of Indian inmates, roughly?

Miss MACNEILL: When I arrived in the prison it was unusual for the first two years to have more than two or three. When I left there were 18.

Co-CHAIRMAN (*Senator Benidickson*): In the two groups—Indian and French Canadian?

Miss MACNEILL: No, Indians, and about the same story with respect to French Canadians. When I arrived there were two or three French Canadians. The predominant people in the prison for women in 1960, 1961 and 1962 were narcotic addicts from British Columbia and Toronto, and I think when I left there were 12 French-speaking Canadians. I made recommendations to Ottawa, and to the Regional Director, that an effort should be made to obtain a French-speaking custodial officer. I said that there ought to be one on duty on all shifts because some of these girls, when they came in, could not speak English at all. However, they learned quickly.

Senator CAMERON: Did you succeed in getting a French-speaking custodial officer?

Miss MACNEILL: No. When I went there there were three custodial officers who spoke French, and one of them went to Matsqui, one resigned, and went back to Montreal. It was then that I made my efforts to replace them.

Senator CAMERON: In your opinion is there an abnormal number of written regulations applying to the administration of the prison?

Miss MACNEILL: Yes.

Senator CAMERON: More than in other institutions with which you have been associated?

Miss MACNEILL: Oh, much. Yes, in the Department of Reform Institutions I was running an institution for children. Policy was established, but the operation of the institution was left entirely to the Director of Training Schools, who was my superior, and the superintendent. There again, we were the only female institution, and a very different approach was taken. I have never seen in the Home Office in the United Kingdom or anywhere else anything comparable. My original terms of reference referred to organizational directives which I would recommend, and now the idea is that there are rigid standing orders plus directives.

Senator CAMERON: Well, through the generosity of the Department I have been allowed to be astounded at the volume of directives and orders that have come out. I happen to have had some experience in running institutions—but not prisons—and my observation is that the more written regulations you have then usually the poorer the operation of the institution. You have to have a certain minimum number, but the less the better. Would it be true to say that if we could rehabilitate a high percentage of the inmates—20 or 30 per cent—and avoid their coming back to prison, we could afford the extra staff necessary without adding to the costs of the present administration? In other words, if we could increase the percentage of inmates who have been rehabilitated and absorbed into society by 10 or 15 per cent then we could be a long way along the road towards making it possible to pay for the additional staff necessary?

Miss MACNEILL: Qualified staff.

Senator CAMERON: Yes, qualified staff.

Miss MACNEILL: You would also reduce the necessity of building more prisons.

Senator CAMERON: Do you find any difficulty in engaging qualified staff, because it is—shall I say?—an abnormal employment? In other words, they would be dealing with a population which is not in a normal situation. Is there a reluctance on the part of psychiatrists, nurses, teachers and so on to go into that kind of a situation?

Miss MACNEILL: In my experience, if you can persuade people then you get the best. This is a tremendous challenge. But, it is not easy, and it is not easy in a rigid situation. There are many professional people who are very anxious to be involved in experiments in correction. I have recently been involved in discussions with the Joint Commission on the Training of Manpower in the United States, and this is one of the points that has come up with respect to correctional institutions, so something different is being tried that will attract good people.

Senator CAMERON: Is it your feeling—that is not a very precise term, but is it your feeling that since 1963 there has been a more restrictive attitude towards experimentation, as you put it?

Miss MACNEILL: In the Prison for Women?

Senator CAMERON: Yes.

Miss MACNEILL: I think there has been some experimentation elsewhere, but I think—in the Prison for Women, yes.

Co-CHAIRMAN (Mr. Watson): Senator, you mentioned the year 1963. Has it some significance in the testimony that I have forgotten?

Miss MACNEILL: Yes.

Co-CHAIRMAN (Mr. Watson): Was that when the original setup was made?

Miss MACNEILL: The original setup was made in 1962, but it really did not start working until 1963-64. I felt more and more that the suggestions I would make about programs were discouraged, particularly the business of getting inmates out to things, and the removing of barriers. The idea was that there were directives, and directives had to be followed.

Senator CAMERON: I have one final question. What criteria could be used to determine the efficiency of the different types of approach to custody—in other words, the rigid authoritarian approach and the approach that emphasizes remedial and rehabilitative training? What documentation, if any, is available to you?

Miss MACNEILL: There is very little, and this is one of the disadvantages we have in Canada. We have done insufficient research on the results of various minimum, maximum and medium—I remember at one point the Regional Director commented to me that he was very concerned about recidivism from the minimum institutions in Ontario, because this lack of recidivism is one of the things that should encourage people to stay out. But this, again, is a question of money and staff, and it is stressed tremendously in many other countries because research is the only way in which we can do this.

Senator CAMERON: Somewhere in your paper you say that there was a feeling on the part of some of the custodial staff that emphasized the difference between those who were in and those who were out?

Miss MACNEILL: This was in Miss Benson's paper.

Senator CAMERON: Then, I will come to that again. Those are all the questions I have for the moment.

Mrs. MACINNIS: I would like to ask, first of all, whether in the back of your mind, Miss Macneill, there was an idea that because the Prison for Women was relatively small, and was more or less one of a kind, that it could be used in a sense as a pilot plant to advance the new penology a little faster than would be the case in the general penal system.

Miss MACNEILL: That is correct. Before I went to the Prison for Women pre-release was established through the cooperation between the Commissioner of Penitentiaries and the Elizabeth Fry Society. It was the first pre-release in the federal system. I think that we developed it so that everybody on pre-release was placed in an area accessible to a community agency. I do not know how much it is used.

Mrs. MACINNIS: Would you say that basically the difference between—there has been a bit of a dichotomy between what the system is and what you have been trying to do. Would you say that the difference there was that you felt it could be accomplished more quickly by the approach to self discipline and inner control, than in the case of the general—

Miss MACNEILL: I think the difference, Mrs. MacInnis, was in the team approach—that is, the psychiatrists, the classification people, the nurses and the administration people all working together, and information being fed in from the correctional officers. It was a program of learning as much as possible about the individual. Now, this is difficult with an institution of from 400 to 1,000, but this is one of the things that made the Prison for Women different. These people were really under a microscope. Their attitudes, their depressions, their misbehaviours and why they misbehaved—all of these things were known to the senior staff.

Mrs. MACINNIS: Do you feel that perhaps part of the tension between the Prison for Women and other parts of the penitentiary system arose from the fact that you were proceeding at a greater rate to apply the new ideas of penology than was possible in the larger system?

Miss MACNEILL: Yes.

Mrs. MACINNIS: I would like to refer you to a question that was asked in the House. Questions were placed on the Order Paper of the House of Commons, and I would like to refer to one of them, and also the answer to it. The question is:

What role does the Superintendent of the institution play in the selection and supervision of staff?

The reply, which no doubt was prepared by somebody in the penitentiary service, is:

Assuming that by "Superintendent" it is meant "Superintendent, Prison for Women," a senior representative of that institution sits on Regional Selection Boards for staff other than professional and the Superintendent personally is on Regional Selection Boards for the selection of professional staff. No Physicians, Psychiatrists or Psychologists are appointed without the approval of the Commissioner's office.

Miss MACNEILL: In my experience I was never asked to sit on a board. The representative of the Prison for Women was designated by the region. I protested this to Ottawa, and it was not changed. I felt it very important that certain people should sit on certain boards, and I also felt it important that there should be a predominance of Prison for Women Staff on the board, and not a predominance of male penitentiary officers. I cannot speak for what is going on now, but from late in 1964 and 1965—this was the period during which there were vacancies; before that, you see, there were very few vacancies in the establishment. The staff was increased only by ten, but I never sat on a board. I never

had the opportunity. The person who sat on the board was designated by the Deputy Regional Director.

Mrs. MACINNIS: You have referred to the fact that you believe there should be one prison for women in Canada. Is that your only or major objection to the establishment of the women's prison at Matsqui for drug addicts?

Miss MACNEILL: I do not believe that drug addicts can be cured in an addict society. In other words, when you have all addicts in a prison which is located in a community which is notorious for addition—that is, Vancouver,—then I think the chances for these people—this is an opinion and it cannot be proven for some years, but certainly Okalla which released people into the community there did not have much success in rehabilitation. It is very difficult for women to get employment in British Columbia except in Vancouver, and we believe that the key to our success in that regard, which was quite unusual, was because we got them into non-addict communities. We encouraged them to choose to go somewhere else.

Mrs. MACINNIS: I have just one more question. Supposing this development that caused your resignation had not come along—these changes in attitude, and so on—what was the next development you envisaged in and around the Prison for Women?

Miss MACNEILL: The brief of the Elizabeth Fry Society was submitted to the Solicitor General, and this was the planning of that group of us who were interested in the prison—both prison staff and members of the Elizabeth Fry Society in Toronto and Ottawa. This was the concept that we had.

Mrs. MACINNIS: Could you just deal with three or four points in the development—

Miss MACNEILL: First of all, we believe this institution should be close to a city, and preferably a city with a bilingual university and bilingual hospitals. We believe there should be a diagnostic centre, with all inmates admitted to the diagnostic centre. Those who had proven by repeated incarcerations a reluctance to join our society would be put in a small custodial unit. Now, we are not rejecting them but we believe it is going to take a long time to rehabilitate them. In fact, so far as I am concerned, the law has to be changed, because these persistent offenders should not be in and out, and in and out. It is not within our power to change this, but it is perhaps within yours.

Then, we wanted a medical and psychiatric unit to which inmates would be sent from the diagnostic centre who required intensive treatment.

The main stream of inmates, we believed, would after a reasonable period of time go into what we termed a therapeutic unit where there would be a concentration of motivation. We would not get into any extensive program because I think training programs in penitentiaries are difficult things to make a success of. It is difficult to make them relate to employment outside.

We hoped that in this therapeutic institution we would help the inmates discover themselves and this is how people are cured. They want to be re-educated, and after they are re-educated they usually do quite well, except, of course, the psychopaths, and people who are persistent criminals. We hoped that after a short period of upgrading, using the most modern and scientific methods, we would be able to accomplish this. After all, to turn out an inmate with a Grade 5 education and expect her to survive in our society is quite ridiculous. So, we proposed an upgrading of education.

Then, we visualized from coast to coast a series of hostels operated by the Penitentiaries Service with liaison between the staff of the hostels and that of the main institution. In fact, we got down to the details of having the staff in hostels,

providing escorts for new committals to the main institution. Then the idea was that these penitentiary officers would go back to the hostels and take the inmates from the therapeutic unit to the hostels. In the hostels the inmates would work, and if they worked they would support themselves. They would pay board. If they attended classes, such as hairdressing classes, or business courses, or even university, they would be subsidized, and after a reasonable period in these institutions they would be paroled. This is not fanciful. This works in Maine, which is a small state. In Maine they have these hostels where the prisons are overcrowded. Instead of building a bigger prison they have built hostels, and have put selected inmates in them.

Mr. McQUAID: I have just two questions. You say in your evidence, Miss Macneill, that when the decision was taken to build the prison at Matsqui you protested. To whom did you protest?

Miss MACNEILL: The Commissioner of Penitentiaries. I wrote a paper stating that I believed that an addict could be treated in a general prison population, because we found that the addict is a very remote person. Addicts do not want to mix. When I first went to the prison the addicts would not have anything to do with anybody. They were an elite. But, we found that initially by moving some addicts to the new building which was opened they began to mix with the non-addicts, and the non-addicts encouraged them to participate in school and the treatment program, and gradually we won addicts away from the hard core up on the range.

Mr. McQUAID: I believe you said that the time has come when bread and water, two meals a day, should be removed from our correctional institutions.

Miss MACNEILL: Yes.

Mr. McQUAID: I presume you are referring to the meals in solitary confinement?

Miss MACNEILL: Yes.

Mr. McQUAID: Are you suggesting that bread and water is still the fare in solitary confinement?

Miss MACNEILL: Bread and water has been used as a punishment, two meals a day, in recent months.

Mr. McQUAID: Apparently it is not used now because there was a question with respect to it amongst those questions mentioned by Mrs. MacInnis.

The question was asked: What is the meaning of solitary confinement, and the answer was: For breakfast hot drink and four toasts. For dinner, full meals issued to all inmates of the institution. At lunch, soup and four toasts.

Miss MACNEILL: Well, I suggest that you question somebody else. I was not there. It was not used when I was there. It is actually in the regulations that it may be used. It is permissive that in certain circumstances bread and water, two meals a day, can be used. It is a restricted diet. I never used it, because I do not believe that deprivation of food is at all useful when a person is upset. After all, we must bring them back to sanity as quickly as possible.

Mr. McQUAID: Bread and water was not used in the women's prison while you were there?

Miss MACNEILL: No, never.

Co-CHAIRMAN (*Senator Benidickson*): I think that we were told on our visit that it was never used for more than one or two meals a day. Am I right on that?

Mr. McQUAID: Apparently it is not used at all now, sir, according to the information prepared in answer to this question.

Co-CHAIRMAN (*Senator Benidickson*): The other question that I wanted to ask before adjournment follows up the question of Mrs. MacInnis about the one institution for women narcotics. You indicated that there was a likelihood that after discharge they would go to perhaps the worst area in the country for getting into trouble, Vancouver. Has this anything to do with what the department would make available in a monetary way to send them to their place of choice?

Miss MACNEILL: No. The Commission told me if an inmate wanted to go anywhere in Canada, she would be granted the money. But the problem is that drug addicts are reluctant to go to an unknown place. Now, we overcame this by having Elizabeth Fry and other after care agencies visit the prison and get to know the inmates. The contact is made. Therefore, they are willing to try a new place.

Co-CHAIRMAN (*Mr. Watson*): If honourable members agree, we will recess now until 8 o'clock. Is it agreeable to the Committee?

Co-CHAIRMAN (*Senator Benidickson*): Then, we will resume at 8 o'clock for as long as is necessary to complete our questioning.

The committee adjourned.

The committee resumed at 8 p.m.

Co-CHAIRMAN (*Mr. Watson*): Committee members, if the following procedure meets with your satisfaction, I think we will call upon Mrs. Batstone to make her statement so as to get it on the record right away. Subsequent to that, it will probably facilitate matters if we allowed questioning to each of the three witnesses if somebody is proceeding along a particular line of thought. If the answer is not available from Miss Macneill or Miss Benson, then we can get the answer from Mrs. Batstone.

Co-CHAIRMAN (*Senator Benidickson*): One moment, Mr. Chairman. I have a presentation for the committee via Mr. Savoie our Clerk. It is from an inmate. I understand it deals with a husband and wife relationship. Did it only come today?

The CLERK: Yes.

Co-CHAIRMAN (*Senator Benidickson*): I wonder if the committee wants to deal with it.

Co-CHAIRMAN (*Mr. Watson*): Perhaps we could deal with this at a subsequent meeting. We have received two or three submissions from individuals and prisoners, and we could possibly deal with them at the same time.

Co-CHAIRMAN (*Senator Benidickson*): I would quite agree, Mr. Chairman, but we have an obligation particularly since we visited certain institutions and said—or I said on behalf of the committee that we would not welcome individual letters or presentations but we would always welcome something that was from a group, a representative group.

Co-CHAIRMAN (*Mr. Watson*): We had tentatively arranged a meeting of the steering committee for tomorrow. Perhaps the steering committee could consider these matters then.

Co-CHAIRMAN (*Senator Benidickson*): I will accept that. I want to go on record as saying that this was sent to me in my absence. I think the committee would want attention to be given to this subject and to the provision that I always made that there should be representations on a group basis.

Co-CHAIRMAN (*Mr. Watson*): Is the committee in agreement that we have these individual submissions referred to our steering committee for consideration?

Agreed.

Co-CHAIRMAN (*Mr. Watson*): Would tomorrow afternoon at two o'clock suit the members of the steering committee?

Mr. PRUD'HOMME: A little earlier would suit me.

Co-CHAIRMAN (*Mr. Watson*): How about at 12 noon? How about you, Mr. McQuaid?

Mr. MCQUAID: I will see that our representatives are there at 12 noon.

Co-CHAIRMAN (*Mr. Watson*): We will ask Mrs Batstone to make her statement now. Perhaps, Mrs. Batstone, you would start by telling us about your education and background and qualifications which I know are considerable.

Mrs. Marion E. Batstone: I graduated from the University of Toronto with an Honours Degree in English and History and then I spent two years at the School of Social Work also at the University of Toronto, getting a diploma in Social Work. At that time they did not give Masters of Social Work. Following that I worked as a social worker and then as an assistant supervisor in the Division of Family Welfare, and then I left my position in Toronto and got married.

During the next number of years my efforts were all of a voluntary nature and it was a very busy time. I was President of the Y.W.C.A. and First Secretary of the Council of Social Agencies, member of the Board of Sunnyside Home for emotionally disturbed children, Chairman and Publicity Chairman of the Juvenile and Family Court Committee. That was to obtain a juvenile and family court in Kingston. During the war I worked as a social worker for the Dependents' Board of Trustees. In 1957 I was approached by the Elizabeth Fry Society of Kingston to apply for the position of social worker to the Prison for Women; this I did. After meetings with the Commissioner and the staff in Ottawa and after agreement that a social worker was wanted in the Prison for Women, I took up my duties. I remained there as social worker until October 26, 1966.

Now, I have my original statement made just the day after I left the Prison for Women. I also have a second statement which is an expansion of one part of that first report.

I have resigned as Social Worker in the Prison for Women because the philosophy of rehabilitation of female inmates for which I have worked continuously since 1957 has been abandoned. It was in effect from December 1, 1960 to June 1, 1966. It showed promising results in the reduction of recidivism. It has been supplanted by the system of custodial care and training, in effect in the other institutions of the Federal Correctional System, which has had a poor record in the reduction of recidivism. I can see no justification for its re-introduction in the Prison for Women.

June 1, 1966 to present: the Standing Orders of the Prison for Women, dated June 1, 1966, and made available to me in early October, reveal the full integration of the Prison for Women in the Federal Correctional System. They faithfully portray the rigidity of the system, both for inmates and staff, and the supremacy of "custody and security". The Standing Orders reflect a philosophy which has for its goals the control of inmates and the good order of the

institution (essential but surely secondary). It is discipline imposed from without and enforced by constant surveillance. Rewards and punishments are used to obtain conformity to the program and rules. The concept of the inmate's conformity to rules arising out of her respect for them and her inner acceptance of them is disregarded. Too often punishment is out of proportion to the offence against prison rules and not related to the act or to the doer. Such discipline results in a sense of injustice and hostility which may be suppressed during imprisonment, in order to achieve the institution's rewards, but which will be vented on society after release.

A second serious effect of the system is that it fosters dependency. With the marked increase of security measures, inmates are relieved of the responsibility of making decisions and imposing rules on themselves. This is attractive to many inmates, particularly to inmates who do not wish to change, but does not prepare them for success on release.

A third drawback of the system is that it does not retain professionally trained staff, though it offers good salaries. Many positions, for example in the psychologists' category, are vacant. The Canadian Penitentiary Service has no real desire to retain well qualified professional staff, unless they are obedient and non-critical. Administrative personnel feel uncomfortable with them and solve the dilemma by creating conditions unacceptable to professional staff. Any person, professional or otherwise, whose concern is to produce good citizens rather than good inmates must continually oppose the present penitentiary system.

December 1, 1960 to June 1, 1966:

The goal of the Prison for Women in this period was the rehabilitation of its inmates, in a controlled but flexible institution, by the application of certain principles in every aspect of its total operation. (1) The possession of self-respect, lacking in most inmates, is essential to success on release. Staff were expected to and did contribute to the inmate's sense of worth. (2) Opportunities were provided for the inmates to exercise judgment and make choices. Logical consequences in relation to the inmates' ability to perform, followed mistakes, but mistakes were expected in the learning process. (3) Rules were geared to the more reliable inmates rather than the less reliable inmates. Expectation proved a valuable tool. (4) Conditions inside the prison were made to approximate as closely as possible those in the community. Inmates were encouraged to enroll and persevere in the educational and vocational training programmes. (5) Every effort was made to bring the community and agency personnel into the prison. (6) Pre-release and after-care planning were important aspects of the program. (7) Those inmates who needed more than a rehabilitative environment to change sufficiently to stay out of prison were encouraged to take advantage of treatment services with the psychiatrist, psychologist, and social worker.

With the application of the above philosophy and programme, the recidivism rate in the Prison for Women was reduced. It is a tribute to the Superintendent and her small staff (at best 56 staff to 112 inmates) that they achieved this result. The demands on each were heavy but the rewards were great.

It is hard to understand why the Commissioner withdrew his support from the experiment in the Prison for Women which was proving so successful. Why did he fail to provide sufficient staff to carry on and strengthen the programme? It is even harder to understand why he implements and supports a system long proven unsuccessful even to the extent of doubling the staff-inmate ratio. (now 79 staff for 83 inmates). It became less after I left.

The experiment in the Prison for Women should have been allowed to continue and should have been supported with increased staff. The Canadian Penitentiary Service would have had the advantage of standing orders and staff

education in line with the philosophy of rehabilitation which so drastically reduced female recidivism. I hope the public and our legislators will take action.

The second is an explanation of one little section in this first report which stated that the penitentiary service did not find itself able to keep professional staff. It was part of a panel in Ottawa on November 23.

I believe the function of a prison is to enable as many inmates as possible to live happily in normal society, to produce good citizens, not good prisoners. I was employed in 1957 to bring the philosophy and method of the behavioural sciences to bear in the Prison for Women. In particular (i) to initiate and develop classification—there was no classification in the Prison for Women when I went there; (ii) to provide a casework service to selected inmates (mutual selection); and (iii) to make suggestions to the Warden of Kingston Penitentiary and to the Commissioner's staff for improvements in the Prison for Women. It was a pleasure to undertake all three for I had tremendous support from Warden Johnstone (Kingston Penitentiary), from the Ex-Commissioner and his staff, and in 1960 from Commissioner Macleod and his staff.

Miss Macneill's belief in the individual approach to offenders and the establishment of psychological and part-time psychiatric services made it possible to develop not only a classification but a treatment department. More inmates than we could manage were wanting to take positive action about themselves—asking for regular therapy with the part-time psychiatrists, the psychologist and the social worker. It was possible to meet the demand partially by the clerk-stenographers taking on more of the classification detail in addition to their clerical work.

Whatever the size of the classification and treatment department it worked together as a unit—professional and non-professional staff—constantly criticizing its procedures and trying to improve the quality of each of its services to inmates.

Briefly, the classification and treatment department's work may be described under three headings:

- I. Its contribution to the therapeutic environment of the institution.
 - (a) The presentation of the philosophy of individual treatment to staff—by individual contact and in various meetings of staff.
 - (b) The interpretation of inmates to staff and the interpretation of their mistakes as part of the learning process. Likewise the same interpretation to inmates of staff and staff mistakes.
 - (c) The interpretation of treatment to visitors. We found that visitors, inmates and staff responded positively to honest presentation. We talked of both our weaknesses and our strengths.

II. Contacts with society and its representatives on behalf of inmates. This involved a tremendous amount of correspondence and individual contact.

- (a) With individuals and agency personnel regarding current problems (family, children, legal, etc.)
- (b) Planning for release by parole or full release.
- (c) The prison co-ordination of the pre-release program, working closely with the outside co-ordinator.

III. Direct work with inmates. This was in regard to:

- (a) Everyday plans and problems—whatever was important to inmates was important to us. This meant contact with a very large proportion of the total population of inmates and often served to lead inmates into a deeper relationship with treatment personnel. Some of these

duties are now carried out by custodial and administrative staff which provides less opportunity for treatment staff to reach inmates.

- (b) Intensive therapy for those who wished it, needed it, and would benefit from it. This included the co-ordination and support of the work of the two part-time psychiatrists, and the organization of the weekly clinical conferences to discuss individual inmates' problems. This was a real coming together of various departments of the Prison for Women—psychiatrists, nurses, the superintendent, the senior administrative staff and classification staff gathered each week.
- (c) A thing rather rare in penitentiaries I think—practical research was carried on.

The principle on which classification and treatment staff worked was respect for individuals as human beings, who were worthy of respect and who had a right to privacy of their personal affairs. Otherwise relationships could be only superficial, and personality change in inmates very, very unlikely. I have read in the Kingston paper that the senior psychiatrist of the Prison for Women has praised the quality of the treatment team in the Prison for Women. Many have asked, "What went wrong?"

On June 1, 1966, the Prison for Women became firmly organized in the regional system and became subject to the Commissioner's directives devised for the some 7,000 male inmates of the federal correctional system. We in the treatment department learned of changes by a series of directives and memos commencing May 31. Their language was curt, they revealed the rigidity of the new system, and the departure from the individual approach. e.g. "There will be no exception to this rule" or, "This directive will be rigidly enforced." They revealed that classification and treatment in the Prison for Women was to be forced into the mould of classification and treatment procedures in effect in male institutions. There was no effort to find out whether procedures already in effect had merit and should be retained. What then were the changes? These are the changes which directly affected our department. I am not referring here to changes in the general administration of the prison.

Co-CHAIRMAN (*Senator Benidickson*): That is as of 1966?

Mrs. BATSTONE: That is as of October 26, 1966. That is the day I left, and they were in effect at June 1 that year.

Co-CHAIRMAN (*Senator Benidickson*): Before June 1966?

Mrs. BATSTONE: No, this refers to what happened after June.

Co-CHAIRMAN (*Senator Benidickson*): That is what I want to know.

Mrs. BATSTONE: To continue:

1. Lowering of the status of treatment and of treatment personnel in the eyes of inmates and staff.

Since joining the penitentiary service, the social worker and psychologist had always related to the head of the institution. Now they were directed to relate to the deputy superintendent. If treatment is to be important, then it should relate to the highest authority. Typically the change, is that weekly policy committee meetings of the institution did not include any member trained in the behavioural sciences.

Confidentiality with inmates and with outside agency personnel about inmates was no longer possible. This had been an important condition of my employment in 1957 and the agreement was never violated until after June 1966.

Notes from inmates in segregation addressed to classification staff were taken directly to administrative staff. Incoming mail was opened. A directive was received "All out-going mail is to be counter-signed by the Deputy Superin-

tendent." Central files were instituted. Inmate passes did state why an inmate wished to see treatment staff and could be read by staff at each barrier.

3. Confusion and inefficiency of the pre-release program hampered its effectiveness.

Previously there had been one co-ordinator on the outside and one on the inside. By directive two outside co-ordinators were appointed. In practice there were numerous co-ordinators on the inside. It proved a wonderful opportunity for inmates to manipulate one person against another. It resulted in such things as inmates going out on pre-release before authority was granted by the Parole Board, two girls being considered for the same job, and left all persons concerned in the dark about the others' activity.

4. The rewards of the institution were placed in the hands of administrative and custodial staff and were used for those inmates who co-operated and presented no trouble. Previously they had been used to encourage inmates trying to change. For example, the new building was no longer used as a rehabilitable tool.

5. The disintegration of the treatment staff as a closely knit working unit occurred.

Direct telephone contact with the psychiatrists was forbidden to classification and treatment personnel. A directive stated that the psychiatrists must only be called in regard to bizarre behaviour like attempted suicide. In the classification and treatment department we had worked for prevention.

The two clerk-stenographers were informed they had never been authorized to do classification work and they were to cease doing it. Since January 1965 I had tried by personal representation and by careful documentation to have these persons re-classified. Four days after my departure they were offered guidance officer's jobs at classification officers' salary and assigned classification duties.

A twenty-three year old girl who had been in the Prison for Women three days with no experience in corrections or in classification work was placed in charge of the department during my absence on holidays, though there were knowledgeable persons available.

6. Treatment personnel no longer had a voice in the selection of staff, even for their own department. When an additional classification officer was finally authorized in the summer of 1966, she was selected by the assistant director of training, Ottawa, without a competition being held.

7. In the final analysis, decisions were made in accordance with custody requirements—not in accordance with individual inmate requirements.

These are some of the happenings not outlined in my statement that directly affected the treatment program in the Prison for Women and seriously affected the work of the psychologist and social worker—factors that finally convinced me there was insufficient support in the Prison of Women, in region, or in the penitentiary headquarters for the concept of individual treatment so ably demonstrated by the first superintendent.

I know that the philosophy of individual treatment did prove successful in reducing recidivism in the Prison for Women. I know that in the years 1961-63 there was "a reversal of tendency in the addicts' chances of success on release from the Prison for Women." I still ask why the philosophy of individual treatment was not supported? And why the ratio of staff to inmates has been doubled in support of the acting superintendent trained in the male system?

The public might ask why Matsqui, the female addict centre, was built at a cost of over \$4 million when the Prison for Women was proving successful with addicts. The division of inmates according to motivation not according to offence is the key here.

Finally, a brief, "A Separate Plan for Women Offenders in Federal Custody", was prepared under the authority of the Minister of Justice, Lucien Cardin, by members of the Prison for Women staff, (superintendent psychologist and social worker) and by members of the Kingston Elizabeth Fry Society. Why has the Prison for Women been integrated into the male system before an official acceptance or rejection of the brief has been given?

The implementation by the Commissioner in 1960 of the first brief "The Re-organization and Re-vitalization of the Prison for Women", brought tremendous improvement.

I am sorry this committee does not have a copy of that first brief; I think it is well worth having. It was written by professional staff and by informed volunteers. In that setting it was possible for treatment and classification staff to work in close liaison with the superintendent and her staff. I believe that the implementation of the second brief, now before the Solicitor General, would enable even more female inmates to live happily in normal society. The longer the present system goes on, the more difficult it will be to restore an adequate program for women.

Co-CHAIRMAN (*Senator Benidickson*): Could we have a vote to obtain the first brief, that is, "The Re-organization and Re-vitalization of the Prison for Women"?

Co-CHAIRMAN (*Mr. Watson*): May we take it as a request, and the committee clerk will supply copies.

Two members have indicated that they wish to ask questions thus far. Mr. Stafford, just before six o'clock you stated that you wanted to ask a question.

Mr. STAFFORD: Miss Macneill, there are approximately 100 girls who have been in this institution for a year?

Miss MACNEILL: For a year.

Mr. STAFFORD: Actually, there have been 100 inmates for quite some time, for quite a few decades on the average, is that correct?

Miss MACNEILL: I believe since 1959.

Mrs. BATSTONE: When I went to the prison in 1957 there were 62 inmates, and they gradually rose to a peak of 131, and have gradually declined.

Mr. STAFFORD: So that actually these approximately 100 women compared with the 7,000 males who find themselves in penitentiaries is a comparatively small figure, is it not?

Mrs. BATSTONE: Yes.

Mr. STAFFORD: Miss Macneill, I put it to you that these are probably 100 of the worst women in Canada, or at least 100 that have the most serious problem, is that right?

Miss MACNEILL: I disagree; I do not like to regard them as the worst women in Canada.

Mr. STAFFORD: I changed that after; I realize that. They are the ones the judges felt should get the sentence of the federal institution?

Miss MACNEILL: The judges they have in different parts of Canada vary greatly. From certain parts of Canada we have received in the Prison for Women inmates from age 17 to 23 or 24 who in other parts of Canada would receive close to ten months. This sentencing is a problem affecting young people.

Co-CHAIRMAN (*Senator Benidickson*): Therefore they have gone to the provincial institutions?

Miss MACNEILL: We can recall many first offenders not for serious crimes. We might expect that one who commits murder or manslaughter would naturally go to the federal institution, but first offenders who have been involved in robberies and then sent to provincial institutions have caused some problem, running away from some particular institutions which were not custodial, which returned them to court and then they were committed to the Prison for Women. So there was a very big variety. My personal opinion is that a very large number of those women should never have been in the federal penitentiary.

CO-CHAIRMAN (*Senator Benidickson*): What can we recommend to avoid that?

Miss MACNEILL: I made representations to the Commissioner about this. He took some action in an unofficial manner by discussing this problem with the Attorneys General of the particular provinces. There was some mitigation for a while. The problem, I think, is that the provinces are waiting for implementation of the Fauteux Report in regard to the handling of inmates sentenced to one year or more. I have had personal discussions with the premier of one province and his attitude was that provinces are reluctant to invest in building programs to any great extent if this recommendation is to be implemented.

Mr. STAFFORD: I understand that the rate of recidivism through the last few decades has gone up and has gone down. You may find it up for a few years and then down for a few years.

Miss MACNEILL: It was regularly down from 1961 to 1964, then it was increased in 1965.

Mr. STAFFORD: But before that, it went down. It reached a peak in 1960, as I understand the graph; and in 1961, 1962 and 1963 it went down from, say, 28, 21, 19, in that order. Is that correct?

Miss MACNEILL: I believe so. I have not my graphs in front of me.

Mr. STAFFORD: I understand that in 1966 it went up to an all time high of 11 more than it was in 1960. Do you agree with that?

Miss MACNEILL: I have not seen the 1966 figures. They are not available to me. I would like to suggest here that, when studies were made in recidivism in the Prison for Women, the inmates under assessment were inmates who had been committed after the new program had started.

In 1965, as I recall—I do not have the figures and I have not had access to the names—a number of inmates were committed to the prison who had been there before, whom I did not know. In other words, they were inmates who had been out for three or four years.

I feel that any research into the question of recidivism must be done with names and dates of sentence. I think that any person who simply takes a report, the statistics provided from the commissioner's report, and makes any conclusions, is not getting a valid picture, because an individual might come into prison in 1965 who had been out for five, six, or seven years. Therefore, our attitude is that she had not experienced the new approach.

Mr. STAFFORD: But it is correct, is it not, that it would be very difficult to make any analysis of the report on recidivism say, between 1960 and 1965 without following those same persons through, to say 1972 or 1975, to see whether or not they are truly recidivists, to see whether they stay out indefinitely—because you usually do not see a person in many cases under the old system, going back to jail after three or four years.

Miss MACNEILL: Yes, you did see narcotics addicts.

Co-CHAIRMAN (*Mr. Watson*): Miss Benson appears to have an answer to this.

Miss BENSON: You do need to take longer periods. On the other hand, there are a number of studies to show that recidivism is far greater within the first year than subsequently. It is therefore a useful tool to consider the year period in the interim. You have to use something.

Mr. STAFFORD: But in a small number of individuals, if the rate of recidivism, say, between 1960 and 1961, went from 28 in 1960 to 21 in 1961, then of course the difference is so small it might have been the individuals concerned rather than the treatment. Is that correct?

Miss BENSON: I would want to check the numbers. What are you giving them from?

Mr. STAFFORD: I have a very rough chart of my own. I do not know even whether my figures are correct. You have the figures there. What were the numbers in 1960?

Miss MACNEILL: Are we talking about recidivism to penitentiaries or are we talking about recidivism in general, that is, people who went to provincial institutions or spent six months in jail.

Co-CHAIRMAN (*Mr. Watson*): For clarification, Miss Macneill, could you tell the committee whether or not, when we figure out the rate of recidivism, three in ten, which you referred to, does that apply to all prisons—municipal, provincial and federal?

Miss MACNEILL: May I suggest that Miss Benson covers this in her statement as to how it is determined?

Miss BENSON: These were federal ones, based on the commissioner's report.

Co-CHAIRMAN (*Mr. Watson*): When you say only three in ten of the persons released from federal prisons come back to prison, this means when they are released from a federal prison, but is the recidivist rate based then on their going back to any sort of prison or any other federal prison? Perhaps I am not making myself clear?

Miss BENSON: This was the male figure based on the Commissioner's report, which returned seven to ten.

Miss MACNEILL: Recidivism to penitentiaries.

Co-CHAIRMAN (*Mr. Watson*): Recidivism to prisons in general, is it not? The seven to ten for the male population is recidivism to prisons in general—ones released from a penitentiary?

Miss MACNEILL: Yes.

Co-CHAIRMAN (*Mr. Watson*): So in the case of any ten, is it based on the same thing, that is, during the period from 1960 to 1965, when ten women are released from Kingston Prison for Women, only three of those women, according to your statistics, return to any sort of a prison?

Miss BENSON: We have different sets of figures, which makes it a little complicated. We have graphs using the comparable figures from the report, equivalent to the men's, which would be federal returns. In addition, from 1959 to 1961, and 1961 to 1963, your committee could acquire a report that came out on April 7, 1964, "A Study of Success and Failure Patterns in a One-Year Post Release Follow-Up On Inmates in the Prison for Women, Kingston." This study was concerned to give more detail on reformatory sentences as well as return to federal institutions. It combines figures for 1959 to 1961, so that they come up with a total number of releases of 127, which is a somewhat larger figure than

you take for a one year period, because this is certainly the difficulty, that you have a small number of inmates.

It then compares it with a group released from February 1, 1961, to January 31, 1963, both of which are concerned with failure, being returned to penitentiary, and the number committed to reformatories. It even breaks it down into minor convictions.

Co-CHAIRMAN (*Mr. Watson*): It covers all cases?

Miss BENSON: But this is not comparable to anything in the men's institution, because this was not done in the men's institution: it was a separate study done in the Prison for Women.

Mr. STAFFORD: Really to be comparative, then, Miss Benson, you would have to carry it out for quite a few years yet, to see whether or not they are really and truly recidivists, those who graduated in the class of 1964. Is that right?

Is it not correct, Miss Macneill, that one of the Members of Parliament, Mr. Winch, is very sympathetic towards offenders and he has taken that approach all his life? Did you hear him asking the House not to remove the 21 drug addicts from Kingston penitentiary to Matsqui after you left?

Miss MACNEILL: I believe I did, yes.

Mr. STAFFORD: Do you know if it was an independent decision, that only three of the 21 drug addicts in the Women's Prison wanted to go to Matsqui, a brand new prison on the west coast?

Miss BENSON: I know that just before I left there were 20 eligible and five wished to go, and, as time went on, more wished to go.

Mr. STAFFORD: Miss Benson, would you agree that only three of the 21 inmates in the Women's Prison went west when Matsqui was completed?

Miss BENSON: It went up to 17 that were transferred from the Prison for Women to Matsqui. That is not necessarily out of the official list, but I am sure that many did transfer. I think the last figure was 17. After I left, a couple more went.

Mr. STAFFORD: Is it right that there were 21 inmates in the Prison for Women at the time Matsqui was completed?

Miss BENSON: Yes, there are 22 in Matsqui now, but this is with committals of people sentenced out west, who were in the local jail and were transferred there.

Mr. STAFFORD: You misunderstood my question, Mrs. Benson. My question was, were there 21 of those drug inmates in the women's penitentiary in Kingston at the time Matsqui penitentiary was finished? Just forget about the ones in Matsqui.

Miss BENSON: Yes, I think so.

Mr. STAFFORD: I have in my notes here that all but three of those 21 asked to stay in the women's penitentiary in Kingston. Is that correct?

Co-CHAIRMAN (*Senator Benidickson*): What was the date of this?

Miss MACNEILL: I think that is correct.

Mr. STAFFORD: What was the date of the completion of Matsqui?

Miss BENSON: I do not have that information.

Miss MACNEILL: It opened, I believe, in July.

Co-CHAIRMAN (*Mr. Watson*): Mr. Stafford, we have several people who have questions to ask. I will give you another five minutes. We don't intend to sit after ten o'clock.

Co-CHAIRMAN (*Senator Benidickson*): What was the date?

Miss BENSON: July, 1966, I believe.

Co-CHAIRMAN (*Mr. Watson*): Perhaps, if you could explain what you are getting at for the benefit of the rest of the members of the Committee, we would understand your line of questioning.

Mr. STAFFORD: From what was said before we went to supper, I understood that the women in Kingston are content under the present jurisdiction. Even though the new superintendent was picked, those women decided that they wanted to stay rather than move. If it was so bad, why would they not want to move out west? Now, Miss Macneill, I take it that your main principle here is that it is easier to be told what to do than to be given freedom of movement. Did I understand you correctly?

Miss MACNEILL: It is much easier for inmates to be told what to do than to make choices.

Mr. STAFFORD: Is it not true that in school, in the early ages, affection plus discipline are a couple of elements in bringing up children. When you are going to school you have to take orders and do what you are told. Later on, when you go to work, you have to do what you are told, and by seeing you here today for a few hours I take it that even in the WRENS, when you were in command of a ship, the WRENS did what they were told.

Would you not sum it up this way, that to lead a successful life today one must obey orders?

Miss MACNEILL: I do not understand this terminology in relation to inmates. Inmates in the Prison for Women knew what they were supposed to do and the majority of them did it. I have no complaints about the discipline at the Prison for Women when I was superintendent. None whatsoever. The majority of the inmates cooperated and went where they should have gone and did what they should have done and behaved as quite reasonable citizens. The ones who did not, the non-conformists, were dealt with. But any impression that the Prison for Women was allowed to operate in such manner that the inmates could do as they felt like is completely alien to my concept of this institution and to that of many people who not only worked there but visited the prison.

Mr. STAFFORD: Since my time is so limited I just wanted to say that part of the reason you did not like these directives was because it did not give each individual the opportunity to make up her own mind and have more freedom, and that you felt, as I take it from what you have said already, that this making up her own mind more properly fitted the inmate for the life that she would find outside. Is that correct?

Miss MACNEILL: Correct. I think that the opportunity to make choices, to make the choice to do the right thing in the prison, is a very important part of the re-educational process. Children in schools have many choices.

Mr. STAFFORD: But would you not agree that people who get in trouble like this are those who had that opportunity to make up their minds and not conform to any rigid discipline and thus got themselves into trouble in the first place? Do you not find that is true?

Miss MACNEILL: I think most of the people in prison were subject to the most inconsistent discipline.

Mr. STAFFORD: Or none at all.

Miss MACNEILL: Or none at all.

Mr. STAFFORD: If they continued to be independent and make their own decisions, they would not very well be reformed, then, would they, to meet the world?

Miss MACNEILL: Yes. Many ex-inmates, and I see a number of ex-inmates, have told me that they have been in many jails but that when they came to the Prison for Women and found that they had to make choices and had to make the basic choice as to whether they were going to do something to change themselves, this was the turning point for them. But I do not think that reform can be imposed on anybody. It has to be from within. I think the fact that they had to make choices that would lead to their development educationally, their development spiritually, and their development in understanding themselves, forced them to make the choice and, therefore, it was a worth while accomplishment.

Mr. STAFFORD: I have just two more questions. It is right, Miss Benson, that when you quit the job at the women's institution you made a press release.

Miss BENSON: No, I did not make any release until October.

Mr. STAFFORD: That press release was not too complimentary to the new system, was it?

Miss BENSON: No.

Mr. STAFFORD: And you, Mrs. Batstone, made a press release which was not very complimentary to it either?

Mrs. BATSTONE: That is right.

Mr. STAFFORD: You, too Miss Macneill: Whether you made a press release or not, it is true that the television, radio and newspapers reported you as having made certain comments, whether they put words in your mouth or not. You were supposed to have made certain comments against the "new regime," I think it was called, which took over after you.

Miss MACNEILL: I made no comments about the prison as it was, but about the system. I did not know anything about the prison.

Mr. STAFFORD: There were reports on radio and television.

Miss MACNEILL: Yes.

Mr. STAFFORD: When it gets right down to it, would you not agree, Miss Macneill, that it is just your opinion against that of Mr. Clark's?

Miss MACNEILL: No.

Co-CHAIRMAN (*Senator Benidickson*): Who is Mr. Clark?

Mr. STAFFORD: The new superintendent.

Miss MACNEILL: I do not know what his opinion is.

Mr. STAFFORD: It is your opinion that your system was better than his?

Miss MACNEILL: To begin with it is not my system. It is a system which has been tried in many parts of the world. "Treatment" is a pretty common attitude in most progressive institutions. I did not invent it.

Mr. STAFFORD: Since my time is limited, Miss Benson, I put it to you that this is just your opinion that the—

Co-CHAIRMAN (*Senator Benidickson*): It is "your opinion" what?

Mr. STAFFORD: That the system after Miss Macneill left was not as good as when she was there.

Miss BENSON: Again, we are going back. You cannot get statistics quickly. You can give opinions, yes, based on what has been done in other places and an outlook towards treatment and how you would approach it.

Mr. STAFFORD: I have just one more question. The expression of those opinions in the newspaper about the superintendent who is there now, caused a lot of public indignation in a way, did it not? Would you agree with that?

Co-CHAIRMAN (*Senator Benidickson*): What evidence have we got about any newspaper reports about Mr. Clark? I have seen him myself and I heard no controversy on this.

Mr. STAFFORD: I put the question to her very quickly. I meant to spend a little more time on this.

Co-CHAIRMAN (*Senator Benidickson*): As co-chairman I will not allow it. I met him. I was there and saw Mr. Clark. Now, in the presence of all members of the committee, I say he was non-controversial. I want to be fair.

Mr. STAFFORD: You have me wrong. I say that the opinions expressed by Mrs. Batstone and Miss Benson caused this.

Co-CHAIRMAN (*Mr. Watson*): Order, please!

Co-CHAIRMAN (*Senator Benidickson*): Mr. Clark was aloof, as far as I know, either the prior administration or his own administration. Am I expressing the opinion of those who visited the institution?

Co-CHAIRMAN (*Mr. Watson*): Yes.

Mr. STAFFORD: As I understand it, Mr. Clark expressed no opinions.

Co-CHAIRMAN (*Senator Benidickson*): I will accept that.

Co-CHAIRMAN (*Mr. Watson*): Order. You have used up your time, Mr. Stafford. We will hear from Mr. Tolmie.

Mr. TOLMIE: Mrs. Batstone, on page 2 of your brief you make a very stark statement. Your state that:

The Canadian Penitentiary Service has not real desire to retain well qualified professional staff, unless they are obedient and non-critical.

Now, in your opinion, should staff be disobedient?

Mrs. BATSTONE: I think I have to go back a little if I may, and speak of the first period in 1957 to 1960, when I was social worker in the Prison for Women and the only professional staff there. At that time the Commissioner of Penitentiaries and the Warden of Kingston Penitentiary believed in what I was trying to do. There was no question, therefore, of being disobedient.

Actually, what I was representing was difficult for staff who had never changed in 25 years, perhaps. But, on the other hand, I had tremendous support from Ottawa to the extent of the Deputy Commissioner coming down and introducing me to staff and saying that he wished staff to cooperate with me. Now, this was difficult for them because the supervising matron was fearful of a new approach, and staff picked up their attitude from the head of the institution. So, in that period, there was no question of disobedience.

In my letters to Ottawa, in my talks with Ottawa and with the warden, I could express myself freely and say what was wrong and they were glad to hear me speak. I was criticizing in that. I had almost no contact with either Ottawa or region during the time Miss Macneill was there. I worked directly with her and it was like day and night, really, the opportunity the social worker or a professional worker in the Prison for Women had to work with inmates in that period. I certainly was not being disobedient at that time.

In the third period, after Mr. Clark came there was a new situation. The second paper I read has been taken directly from directives, since I always liked to be able to document what I say and not to talk off the top of my hat. The things I said in that paper are things that affected the department for the worse, in my opinion, and made it impossible for me to maintain my integrity as an individual or as a social worker. I had talks with the superintendent about it and I did try to interpret to the superintendent and represent my views. I finally

wrote to the Commissioner and outlined some of my worries and concerns. At the time I could not impress any of these areas and I decided the time had come when there was not enough support in the Federal Prison for Women.

MR. TOLMIE: I think you have evaded the question. You made a bald statement. You said "The Canadian Penitentiary Service has no real desire to retain well qualified professional staff, unless they are obedient and non-critical." That seems to me to be rather a strange statement since I would assume any service would want to have obedient personnel. If they find they cannot adhere to the rules they change their occupations.

Mrs. BATSTONE: Which is what I did.

MR. TOLMIE: But this is a general statement.

Mrs. BATSTONE: Yes, but it can be documented. I spoke to the superintendent; I wanted changes, and I gave some indication of the changes in our department which affected the nature of our work. I am simply saying that when things are wrong you try your best to make changes for the better. If you find you cannot do that and I think any good organization is willing to listen—

CO-CHAIRMAN (*Senator Benidickson*): What was the date that you think you realized you had difficulty in getting support?

Mrs. BATSTONE: In my statement here I mentioned the directives began on May 31, 1966, and continued.

MR. TOLMIE: Mrs. Batstone, I realize what you are trying to say, but the statement still stands and it has not been answered, as far as I am concerned. "The Canadian Penitentiary Service has no real desire to retain well qualified professional staff, unless they are obedient—". In my opinion the only type of staff they could retain or should retain are those who are obedient.

Mrs. BATSTONE: If you did that you would never change the system.

MR. TOLMIE: I can see that you felt you were not working in a suitable environment and that you should leave. But you should obey until you leave. But this brings up the whole question of professional staff. The Solicitor General has outlined a program of education, employment, entertainment, religious instruction and so forth. The Commissioner of Penitentiaries has emphasized the fact that he has a great concern about getting psychiatrists, psychologists and other trained personnel. You state in essence that they don't have any real desire to retain qualified staff. Is it not true in essence that they want staff but that they cannot get staff.

Mrs. BATSTONE: They had me, and I am well trained.

MR. TOLMIE: I am talking about psychologists and psychiatrists.

Mrs. BATSTONE: They had Miss Benson; she is a psychologist.

MR. TOLMIE: You give the impression they had no desire to retain well qualified staff unless they are subservient. My information, not just from the evidence produced before the committee, is that the service wants to get qualified staff of any description but is not able to do so because of the personnel situation. Is that a fair assessment? Is it easy to get psychologists and psychiatrists for prisons?

Mrs. BATSTONE: No.

MR. TOLMIE: Is it fair to say that the reason is that they want a certain type which is not available?

Mrs. BATSTONE: I think my answer is very valid. If they want to retain professional staff they won't create conditions which make it impossible for them to stay.

Mr. TOLMIE: Where will they get professional staff at the present time?

Co-CHAIRMAN (Mr. Watson): Could I ask a supplementary question here. Is it your opinion that providing the right atmosphere were created, plenty of staff would be available?

Mrs. BATSTONE: Not plenty, but I think what Miss Macneill said before is valid. If you are planning something the people are keen to try it too. It may be hard but there is a chance. It is something worthwhile doing and they will give support. But if, on the other hand, the conditions are not in line with the objectives of the psychiatrists and social workers, they are not going to be interested.

Miss BENSON: Perhaps it explains how important it is to have the right person at the top who is going to try to get the people.

Mr. TOLMIE: Have you ever tried to hire staff and have they refused to come because of the conditions?

Mrs. BATSTONE: As a member of the Canadian Association of Social Workers I was in the position of having contacts, but there were no vacancies on the staff for them.

Mr. TOLMIE: Did you try?

Mrs. BATSTONE: There were no positions—I did have the opportunity of hiring secretaries in the early years and I got some tremendous people who are now being used as guidance officers. I believe they were attracted by the challenge of what we are trying to do in our department. I think that was what attracted people of such worthwhile quality.

Mr. TOLMIE: You mean in the classification department?

Mrs. BATSTONE: Yes.

Mr. TOLMIE: You made what I would consider to be a damaging statement when you said that the Canadian Penitentiary Service has no real desire to retain well qualified professional staff unless they are completely subservient. From all the other evidence we have had here it has been shown that the Service is very desirous of obtaining staff of all descriptions, psychologists, psychiatrists and social workers but the point remains there are none available. That is the reason, is that not correct?

Mrs. BATSTONE: It is one reason, but it is not the reason, in my opinion. I have belonged for many years to the Canadian Association of Social Workers, and I have seen in the "Social Worker" an advertisement for social workers for the Prison for Women and an advertisement for superintendent for the Prison for Women. I am going to tell you frankly that in the code of ethics of the professional association there is a good deal about confidentiality. A professional person's relationship with her client is considered confidential, and it is very important, and in my statement when I talked about confidentiality of my clients and that I could no longer maintain that, that struck at the very basis of my work with the inmates.

Mr. TOLMIE: You keep talking about your work and it is important, but yet in your statement you talk about qualified staff. The blanket statement still remains there that the service will not hire because they cannot make them obey and because they will be insubordinate. All the evidence I have heard not only from witnesses here but from other persons as well is that the reason they cannot get professional staff is simply because they are not available. Is that not correct?

Mrs. BATSTONE: Over the last nine years there have been quite a number of psychologists in Kingston Penitentiary. They have come and gone. At the

present time I think I am correct in saying that in the whole of the Kingston area there is only one psychologist in from the United States on a visa doing a thesis and he is principally preoccupied with that, and he would not have much time to work with the inmates. Certainly in Ontario Region there is almost no professional staff working directly with inmates.

Co-CHAIRMAN (Mr. Watson): Mr. Tolmie, would you limit yourself to one more question? We are extremely short on time.

Mr. TOLMIE: I do not want to labour this point, but I think it is rather important. Perhaps, according to your view, you might be of assistance to the service, because they are desperately looking for trained staff, and if you know of any who could fill the bill I am sure they would welcome them.

Mr. AIKEN: Under what conditions?

Mr. TOLMIE: Under the conditions of hire for work in a prison.

Mrs. BATSTONE: It is rather awkward, because if a professional social worker comes to me and asks, "Why did you resign?" and I tell her what I have been telling you tonight, she is not going to be very interested in that position.

Mr. TOLMIE: You keep going back to social workers, and I can see your point because you happen to be one, but as I keep reiterating, the statement still stands and all of the other evidence is opposed to it, and I just want to get your opinion on it.

Mr. ALLMAND: Mr. Chairman, unfortunately I could not be here this afternoon, so if I ask some questions which have been asked already, please call me to order, because I do not want to waste time.

Miss Macneill and Mrs. Batstone, if I understand correctly from reading the newspapers, it seems to me that the reason for your resignations was that you disagreed with the system under which the penitentiary operated. That is correct, is it?

Miss MACNEILL: Yes.

Mr. ALLMAND: I also understand from reading the papers that the purpose of the system which you believed in was to rehabilitate the inmates, the girls that were there, to go back into society, where they could live in a free society and think for themselves and adapt to this free, competitive society.

Miss MACNEILL: Yes.

Mr. ALLMAND: I would call that the end of the system, for the purposes of this discussion. Do you think that the system which was being introduced was directed towards different ends? In other words, do you think the new regulations were directed towards rehabilitation which would not prepare the girls for living in a free, competitive society?

Miss MACNEILL: I would not call it "rehabilitation."

Mr. ALLMAND: Do you think they did not believe in that type of rehabilitation?

Miss MACNEILL: I cannot put thoughts into the minds of other people, frankly, but I certainly did not feel it was any dissatisfaction on the part of the Commissioner with the way the women's prison was operated. The dissatisfaction was from me, really.

Mr. ALLMAND: From what I understand, from my layman's study of that situation, there was probably an agreement on ends, but a disagreement on means.

Miss MACNEILL: Yes, I think definitely there was an agreement on ends. I am convinced the penitentiary service wishes to rehabilitate.

Mr. ALLMAND: You talked about the behavioural sciences and the field of psychology, psychiatry and social work. Is there any agreement among the behavioural scientists on what means necessarily lead to these ends?

Miss MACNEILL: There was agreement in the Prison for Women.

Mr. ALLMAND: Wait a minute. I have done a certain amount of study on criminology, sociology, etcetera. Is there agreement among social scientists as to what type of system or means necessarily lead to the end which you say both you and probably the penitentiary service agrees on?

Miss MACNEILL: No, there is not agreement.

Mr. ALLMAND: Then I will move on to the next question, because that is my understanding. From a layman's reading, I have understood there are many opinions as to what type and degree of discipline will necessarily produce free-thinking individuals in a free and competitive society.

Miss MACNEILL: Yes, that is correct; there is disagreement.

Mr. ALLMAND: What would you say is the most important aspect of applying a system—the system as conceived in the abstract, or the work of the individuals applying that system from person to person?

Miss MACNEILL: I think, as I said in my statement, probably the most important aspect in the rehabilitation of offenders is the attitude of staff to inmates.

Mr. ALLMAND: Would you say that a person could conceive the rehabilitation process correctly in his own mind and have the right attitude, but have the wrong personality actually to apply that system with respect to an individual inmate? In other words, he could be a great theorist and have the best of intentions, but not be able, because of his own personality, to do it.

Miss MACNEILL: Yes, of course.

Mr. ALLMAND: I just put this to you, and I know it is non-scientific. When I visited the Prison for Women—was it in December we went there?

Co-CHAIRMAN (*Senator Benidickson*): I think so.

Mr. ALLMAND: In December I asked a lot of the inmates what they thought and what their attitudes were to the administration at the prison and the way they were treated before and after the changes in administration; and I do not say this to accuse anybody, but not one person told me they preferred the former to the present system. I agree with you that this type of prisoner might prefer the type of discipline you criticize, but I am just wondering how you would interpret this. I did not ask everyone. I may have asked 10 or 11, but every girl I saw I asked.

Co-CHAIRMAN (*Mr. Watson*): This was covered earlier this afternoon, and Miss Macneill can repeat her explanation.

Mr. ALLMAND: No, I will read the record.

Co-CHAIRMAN (*Mr. Watson*): It was simply that this type of woman likes to be more disciplined rather than less and likes an organized type of society.

Mr. ALLMAND: My further question is this. Is that a scientifically deduced conclusion, that they like that kind of thing, necessarily because they are prisoners, or is this in the opinion area?

Co-CHAIRMAN (*Senator Benidickson*): Would you comment on the fact that some I interviewed said they preferred a male leader in the institution vis à vis a female?

Mr. ALLMAND: Some told me that too.

Miss MACNEILL: Would you like to handle the manipulative possibilities, Miss Benson?

Co-CHAIRMAN (*Senator Benidickson*): It is unfair to ask Miss Macneill.

Miss BENSON: This is a little tricky, but there was an article in the *American Journal of Correction* dealing specifically with problems of a male administrator of a female population concerned primarily with problems of manipulation, that these are greater for a male than for a female.

Co-CHAIRMAN (*Senator Benidickson*): What is manipulation?

Miss BENSON: If I want to get something out of you, being a woman with certain kinds of guile, I may have a better chance from you than from Miss Macneill.

Mrs. BATSTONE: And daughters from their fathers.

Miss BENSON: Yes.

Co-CHAIRMAN (*Senator Benidickson*): So the opposites prevail.

Mr. STAFFORD: I had them say that directly to me, it is like a daughter goes to her father.

Mr. ALLMAND: I have one final question. On page 10 of Miss Macneill's statement it says:

The time has come when leg irons, windowless cells, bread and water two meals a day, prolonged isolation for punishment, should be removed from our correctional system.

Am I to believe these things were reintroduced after you left?

Miss MACNEILL: I was not discussing the Prison for Women when I made that statement. About six months ago in Kingston the Crown objected vehemently when an inmate from Kingston Penitentiary was taken down to court in leg irons.

Co-CHAIRMAN (*Senator Benidickson*): "Leg irons"—what are they?

Miss MACNEILL: This was in the public press. The Crown objected when a man from Kingston Penitentiary was taken to court, to face additional charges which he had requested should be faced, in leg irons.

Mr. STAFFORD: Where was he taken from?

Miss MACNEILL: From Kingston Penitentiary.

Co-CHAIRMAN (*Senator Benidickson*): What are leg irons?

Miss MACNEILL: A collar on each leg with a chain between, and the prisoner shuffles. The judge refused to try the case until the leg irons were removed.

Bread and water I have not used. Bread and water was reintroduced into the Prison for Women as a disciplinary measure between June and September, 1966.

Co-CHAIRMAN (*Senator Benidickson*): For some period of time, and only for one meal per day?

Miss MACNEILL: For two meals a day. In the regulations it is a restricted diet.

Co-CHAIRMAN (*Mr. Watson*): This was discussed this afternoon.

Mr. ALLMAND: Then I will pass.

Miss MACNEILL: There are a few things I should like to comment on. Because of the philosophy of the prison from 1961 to 1965, if an inmate was isolated then she was isolated until she was prepared to co-operate. She was not isolated as a

punishment for a specific offence. The punishment for a specific offence would be loss of statutory remission. In other words, she would have to serve a longer time in prison. But, our contention was that if you isolate a person beyond the time of remorse then you increase bitterness towards authority, whereas if after two days, perhaps, or three days or maybe five days a person is ready to get out, to co-operate and say: "I am sorry," as they very often did. This is far better than sentencing them to three weeks' isolation during which time they may have gone through several phases.

Mrs. MACINNIS: I want to ask one or two questions in regard to the qualifications of personnel. I go back to some of the questions that were put on the Order Paper in the House of Commons. I find here in regard to the qualifications of four of the senior personnel—the assistant superintendent for organization and administration, the assistant superintendent for services and supplies, the senior hospital nurse, and there is a fourth here at some place, I believe—this says the same thing for all four, that they must have taken the personality and behaviour course at the Institute of Psychotherapy, 1960. Now, I have been told by someone who belongs in Kingston and who knows the penitentiary fairly well that that course at the Institute of Psychotherapy consisted of eight lectures given by the senior psychiatrist to the people all in a group. Is that information correct?

Mrs. BATSTONE: I can speak to that question because I attended that course of lectures. It was open to staff at various penitentiaries at all levels—correctional staff, professional staff and administrative staff. It was one hour or more a night, and it lasted, I think, for eight sessions. It was the Institute of Psychotherapy, and not the Institute of Psychology.

Mrs. MACINNIS: Would that be the full training these people got?

Mrs. BATSTONE: The graduate nurses, and the ones you are referring to.

Mrs. MACINNIS: But would that be adequate training for those senior personnel?

Mrs. BATSTONE: I would not think so.

Mrs. MACINNIS: Would you care to answer that, Miss Benson?

Miss BENSON: No, it is not.

Mrs. MACINNIS: Would not that go far to substantiate Mrs. Batstone's charge that the penitentiary people could not have been too serious about getting well qualified personnel, certainly along the line of obtaining those with psychiatric training? Would this be part of what you are basing your charge on, Mrs. Batstone?

Mrs. BATSTONE: I had not thought of it in that way, Mrs. MacInnis. Of course, that training is available for all staff. It helps, but on the other hand it does not take the place of prolonged regular training, and I certainly think that the more training anyone who is dealing with inmates has in subjects related to the behavioural sciences then the better equipped that person is to do the job.

Mrs. MACINNIS: Would it be because they could not get well-equipped people that they tried this as a sort of a stop-gap measure? Would that be the reason for giving that course?

Mrs. BATSTONE: I am not sure of that; I do not know.

Mrs. MACINNIS: When I heard this it rather shocked me to think that this training was being regarded as adequate training. I do not think they could have regarded it as adequate, but maybe it was the best they could do under the circumstances.

Mrs. BATSTONE: Maybe.

Mrs. MACINNIS: I do not know whether Miss Macneill would care to comment on that at all.

Miss MACNEILL: I was not there at the time. This course happened before I arrived in December, 1960. The whole problem of staff training in the Prison for Women was a difficult problem for me because of the limited number of staff. I feel that the basis of an institution in its therapeutic approach is qualified people. I would like to have those people have sufficient time in which to train staff, but they could not do all things. This was my plea all the way along—more staff. We could not get them because there was not the establishment until this summer when the establishment was apparently increased. Some of the staff training that is given to male officers is useful for women, but, frankly, I do not feel that very much is. I have studied the curriculum. There are certain courses I would have been very happy to have had the staff from the prison attend if they had had the time but we did not have the staff to allow this. There were times—and the committee has visited the institution—when there were exactly three custodial officers on duty during the day to look after 120 inmates.

Mrs. MACINNIS: I do not know which of the witnesses would be the best to answer this, but did this program of treatment that you had in mind have a fair chance given the kind of surroundings and the building you had to work with? Could you expect it to succeed fully in the premises, with the lack of segregation, and so on, or was it bound to fall far short of what you had hoped?

Miss BENSON: It was inadequate in many things. There were many things we would have liked that again form some of the criticisms or suggestions—

Mrs. MACINNIS: Was the lack of segregation a factor?

Miss BENSON: Yes, this is a very difficult problem. There are no facilities for criminally insane women in Canada whatsoever. Whereas there is Penetanguishene for the men, there is nothing for the women. So, when you have a mentally ill female offender, your only recourse is to send her to the Ontario Hospital. The Ontario Hospitals currently are trying to have more open wards, and they are finding it exceptionally difficult to cope with the sort of persons we are sending them, and they tend to send them back. So, you have a segregation area, and this is really all that was available, and it was very inadequate.

Mrs. MACINNIS: We were told about one that belonged to British Columbia, and who had to be shipped back there, and they had no facilities for her. This must be a great need in Canada now. There is a need for a type of segregation for women who are criminally insane.

I have one more question. Miss Macneill mentioned that when she went in there first there were more of the submissive type of persons, and then the more violent types came along later. I suppose it would be a sort of war baby crop. Did your form of treatment have better rehabilitation results with the more submissive type of prisoner or with the more violent type?

Miss MACNEILL: I think that this is again a question of the individual. Some of the most successful graduates we have had from the Prison for Women were the most aggressive.

Co-CHAIRMAN (*Senator Benidickson*): The most aggressive?

Miss MACNEIL: Yes, aggressive and violent. There are two famous women, one of whom twice went over the wall and who is now settled down in society. She has two children, and there are no more problems. The character of the population did change. I think that when the addicts started coming—there was a group of older addicts who kept to themselves and gave us little trouble. They wanted peace. Then there was an influx of young teenagers which made manage-

ment more difficult. But, I do not think you could say that one or the other type responded, because some of both did. I think the treatment will apply to any person who is ready for it.

Co-CHAIRMAN (*Mr. Watson*): Thank you. I would like to direct for your consideration one question which I think the committee should have answered for its benefit. The question is: Now that each of you have left the Kingston Prison for Women, and given the atmosphere that has resulted from your leaving and the furor that has occurred in the last few months, what recommendations or suggestions would each of you have for the future? Now, I leave this, and we will come back to it after we have finished with Mr. Aiken, and each of you can think about the answer you wish to give. I think it would be of benefit to this committee if we got your suggestions as to what we should do in the future, that is, what you feel we ought to do.

MR. AIKEN: Mr. Chairman, I do not know who will venture to answer my question, but I want to start off with a short preamble. I think all of us have had some experience in social work, or so it seems tonight. I had some years of experience before going to politics. But the reintroduction of the system that now appears to be in effect in the Prison for Women, even to a person with a general knowledge of reform, seems a completely backward step. You would have it in the Dark Ages. But there is a mystery I cannot fathom. We have heard that Commissioner Macleod was sympathetic to the experiment of a Prison for Women, and he inaugurated it. We heard one of our members of the committee this afternoon commend the attitude of our Solicitor General toward penal reforms generally, and I do not think any of us have any doubt that he is well intentioned in this matter. The mystery I would like to fathom is that if the Solicitor General did not direct the change, if the Commissioner of Penitentiaries did not direct the change, who did, and how did it come about? Surely a member of the Cabinet and a commissioner in charge of the department must have agreed to direct the whole program for the Prison for Women, and it is a mystery to me where it originated and why.

Perhaps there is one more thing I might include. There are two things I wonder about—

Miss MACNEILL: I do not think it was a deliberate redirection. I think what happened was that when I was appointed to that position the commissioner certainly must have had some confidence in my ability and my record. I had run an institution, as you know, for six and a half years, which was quite successful. But this penitentiary system was developing with regulations which would come down to control in every possible aspect. The regional director received his directions from the commissioner, and it was his duty to implement them, and it was just a gradual strangulation almost of the rather creative approach, the fact that we would try various things, and if they did not work we would try other methods to see how they worked. Inmates like to be in peaceful company in prison. They have had a rough time outside, and they want to be peaceful in there and we upset their peace by this constant changing and prodding them to change.

I know the regional director was most concerned about what he called lack of supervision, that the inmates would walk from one area to another without a pass. These are the basic things that changed.

MR. AIKEN: But just at that point, there must have been a change in direction from some source, because before that the regional director had nothing to do with it, did he?

Co-CHAIRMAN (*Senator Benidickson*): It was not the regional director. When did the regional director come into the picture?

Miss MACNEILL: Well, the region was established in about 1962, but for about a year Mr. McLean who had been the warden of Kingston Penitentiary was the regional director without any staff, and he would visit the institution on occasions and make various recommendations. It was this regional director who insisted on shutting the prison up after the small upset we had, and kept it shut up. Then when the present regional director was appointed by this time he had his staff and the staff came into the prison and they arranged alterations in the prison without any particular consultation with me e.g., for this plan to move classification. All sorts of things were going on under the direction of the regional director. Gradually—for example, the Prison for Women staff worked different hours than the males. Many females had families, and it was convenient to have a shift concluding at four o'clock, an eight-hour shift, which gave them a chance to meet the children coming back from school. They took half an hour for lunch, and they were quite satisfied, and this went on for years. But I was directed by the regional director to have them work the same hours as male institutions. Well, I didn't pay any attention, but it is done now.

Mr. AIKEN: But there were surely objections raised by you. Did you go further with recommendations that all these things were stifling your program?

Miss MACNEILL: I made the recommendations. The letters are all on the file.

Mr. AIKEN: To whom did you report this?

Miss MACNEILL: To the regional director, who was my superior according to the terms of the reference.

Mr. AIKEN: You made your complaint to the regional director?

Miss MACNEILL: Yes.

Mr. AIKEN: Did you ever have any acknowledgement that these complaints reached the commissioner or minister?

Miss MACNEILL: Not the minister. On some occasions, yes, I had acknowledgement that my complaints about the personnel and selection boards reached headquarters, because I mentioned it to the Headquarters Director of Administration and he thought I had a point, in conversation with me. But it was not changed. I asked him, and he told me, well, that was the regional director's prerogative to deal with selection boards.

CO-CHAIRMAN (*Senator Benidickson*): But with respect to your staff you never had the experience of having someone from your staff confer with a civil service committee to select—

Miss MACNEILL: No, but it was not a civil service committee, it was a regional board established and they arranged a Prison for Women representative on a board of three or four. It was selected by region. I felt that as women did not sit on selection boards for male officers at any point, that at least the selection board for females should be predominantly women, because the women in the prison knew the type of staff they wanted and knew the particular qualities we wanted, and it was such a small staff that it was important to work together. I made these representations, and representations about regulations for leave. The Prison for Women was a small institution, and many of the women had husbands; and in the interests of morale, I felt that if possible they should have their holiday with their husbands, but I was informed the way it was to be done was that they were to draw lots.

CO-CHAIRMAN (*Senator Benidickson*): Although you were unique in being the only one of your kind in an institution of this nature in Canada, you were subject all the time to something that was man-made, and in addition it became new in that it was regionally based.

Mr. AIKEN: May I ask Mrs. Batstone, who was the last of our witnesses to leave the institution, a question? The directives that came in June 1966 seemed to have caused you finally to plan to leave. Would you say that these directives made the situation even worse rather than improving it?

Mrs. BATSTONE: I said in my statement, I believe, that the pre-release program for which I had been responsible was reduced to complete confusion and inefficiency and that was part of our program.

Mr. AIKEN: Did that come from the regional director?

Mrs. BATSTONE: It came as a directive from the superintendent of the Prison for Women.

Mr. AIKEN: And you have no knowledge where it came from, where it originated?

Mrs. BATSTONE: To him.

Mr. AIKEN: Did he originate the directive or where did it come from?

Mrs. BATSTONE: I really do not know, I am sorry.

Mr. AIKEN: One further question while we are on the subject. I would like to ask whether any of these problems have anything to do with the controversy over the accommodation of a prison for women, because there was at one time some controversy.

Miss MACNEILL: No, none of these things had anything to do with the controversy.

Mr. AIKEN: As far as you were concerned?

Miss MACNEILL: Nothing.

Mr. AIKEN: So that really the answer to my question, as to who initiated the changes, is that there were no changes made, it just sort of got worse, they were like Topsy, they increased, but by non-direction rather than by misdirection. Would that be a correct statement?

Miss MACNEILL: Over-direction.

Co-CHAIRMAN (*Senator Benidickson*): Over-direction by reason of establishment of a regional office.

Miss MACNEILL: Yes, the regional office was directed by Ottawa.

Mr. AIKEN: Suppose the regional office were eliminated, and suppose you did report directly to the commissioner, do you think this would improve the situation?

Miss MACNEILL: Yes, I think there is a function for the regional set-up in regard to supply, transport, the mechanical things. Obviously it is less costly to have a central office. I believe the treatment and training program of the Prison for Women should not be enmeshed with the treatment, with a training program for 2,000 males. I think the problems are completely different.

Mr. AIKEN: The outside directions should come from the commissioner and the internal operations should be left to the superintendent?

Miss MACNEILL: That is what it was.

Co-CHAIRMAN (*Mr. Watson*): Would it be correct to say that, in the beginning, in 1960 and thereafter for two or three years, you felt that you had a direct line to Ottawa?

Miss MACNEILL: I had a direct line to Ottawa and any time I had a problem to iron out I could iron it out quickly with the authorities, but when the regional set-up came into force this became almost a block in the line of communications.

I should not say that these problems could be ironed out quickly. There were many problems facing the penitentiary service. One of the great problems was overcrowding—and we were not overcrowded—there were problems of maintenance, particularly because I deplored the presence of so many male inmates in the prison. This was one thing I did not get ironed out quickly, but at least my point of view was known. Other problems were ironed out very quickly by a telephone call or a visit to Ottawa.

Mr. STAFFORD: What do you mean by male inmates?

Miss MACNEILL: There are anything from five to 40 male inmates in the Prison for Women every day, working, doing repairs, and so on. It is an intolerable situation, one of the worst things I had to contend with.

Co-CHAIRMAN (*Senator Benidickson*): What is the answer to that?

Miss MACNEILL: The answer is a male staff, as elsewhere, and I have visited at least 50 institutions—either officers in the penitentiary or the prison service who perhaps need light duty or less strain. For a short time we had one maintenance man on our staff, and it was a period which was very, very happy as far as I was concerned, but then he was removed because the regional set-up said we must have a regional pool. At the time I left, these tradesmen were coming in with their inmates, every day, I counted many of them, and this makes control of female inmates very difficult. One must remember that some of these women have been isolated from men for three years, and some of the men have been isolated from women for ten years. Obviously, when those two get together—I do not need to elaborate. This was a very great stress and interfered with our program.

Co-CHAIRMAN (*Senator Benidickson*): This commenced when?

Miss MACNEILL: It was always. The men had worked in their small groups. But when I came into the prison, because we expanded the program there was a tremendous amount of construction and alterations, in order to get space to do things—so the men were there.

Co-CHAIRMAN (*Mr. Watson*): This afternoon you noted that the inmates of the women's prison were essentially self-destructive, but did you notice some changes in the makeup of the prison population, of late?

Do you think that some of the new regulations are warranted by the change in the type of person that you are now getting in the women's prison?

Miss MACNEILL: No. I think exactly the opposite. I think these young aggressive people need far more individual treatment. They need professional staff, more than any of the others. I think also that their reaction to rigidity is either to withdraw and co-operate or to become self-destructive.

Co-CHAIRMAN (*Senator Benidickson*): Mr. Chairman, we have all been impressed by the personal qualifications and good bearing of the three witnesses whom we have had, who have left the penitentiary service; but I do not think we should conclude the testimony without putting something on the record about them, if they are willing to tell us.

First of all, having advanced their original qualifications, perhaps they would tell us now what they are doing now—to our loss, I think, but—

Miss MACNEILL: I am going to be on the Commissioner's Committee to plan a new prison for women. I am going to be an associate on the Joint Commission on the Training of Correctional Manpower in Washington, from time to time. I have accepted a position with the Addiction Research Foundation in Toronto.

Co-CHAIRMAN (*Senator Benidickson*): I thought we should have something on the record to indicate what we have lost, in our own Canadian penitentiary service.

Co-CHAIRMAN (*Mr. Watson*): I would like to say for the record that I met three or four of the older more mature women in the prison who felt your leaving was a terrific loss to the prison and they felt that your approach was the right one. I met some of the younger type, sitting around a table in the restaurant, and these people did not want to be bothered with any thinking for themselves. This was the impression I got and, quite frankly, I have heard nothing in your answers today that has changed my original thoughts on the subject, which were that your criticisms were well founded.

I would like to know a little bit more. I think we ought to give your recommendations about the prison. It is important we should hear from Mrs. Batstone as to what was done, as of your leaving, about the French Canadian group and the Indian group. Was anything done?

Mrs. BATSTONE: From the time Miss Macneill left until I left—I left on the 26th of October.

Co-CHAIRMAN (*Mr. Watson*): Had anything been done up to that date?

Mrs. BATSTONE: Not to my knowledge.

Co-CHAIRMAN (*Mr. Watson*): You mentioned that there were some 80 inmates and 79 staff, when you left. How many of these staff would have a college education of any kind?

Mrs. BATSTONE: One. Myself. Well, I think there was one other besides myself.

Co-CHAIRMAN (*Mr. Watson*): Did any of this number have any training in social work or psychology, other than this eight-hour course that some of them took given by the prison authority?

Mrs. BATSTONE: Do not forget that the teachers would have teachers' training and the nurses would have nurses' training.

Mr. ALLMAND: Were there any girls on the staff who were former inmates of either the penitentiary or any other institution in Canada—who would have been working in a minor way on the staff?

Miss MACNEILL: No, not to my knowledge.

Mr. ALLMAND: Was there ever any application from any person who would want to come back and help—from people who had been in the same position as these inmates are in now?

Miss MACNEILL: Not to my knowledge.

Co-CHAIRMAN (*Mr. Watson*): What is your recommendation with regard to diagnostic services? You mentioned this in your earlier statement. Is there a complete absence of such services at present?

Miss MACNEILL: When I left, I considered that Dr. Scott and Mrs. Batstone and Miss Benson formed a diagnostic service in the prison. Inmates were seen by me and a member of the treatment staff within one to two days of admission, if not upon admission. A case conference was held within two to six weeks of admission after the inmate had settled in.

The conference included treatment administrative staff, nurses, and so on. I do not know now who is capable there now. The psychiatrist certainly would see a limited number of people. The psychiatrist would also not have the very valuable information how the particular inmate functions in the institution. You see, I maintain that you could have three psychiatrists for the Prison for Women. Unless you have the supporting staff it is quite ineffective, because the psychiatrists are half an hour at the most with each inmate, and that is if he sees even five a day. He is there half a day twice a week.

But the important thing is that the team, as we had it, would assess the inmates who came into the prison and needed help immediately—and needed a great deal of help. It would also assess what their program should be, whether they should be in the new building or whether they should be in school or whether they should be working. Some of the very aggressive people who ultimately were placed in school we felt should work hard for a while so that they could let some steam off.

Mr. McQUAID: Can someone tell the committee whether or not there is a full time social worker on the staff?

Mrs. BATSTONE: May I answer that, since I am the departing social worker? I was told this afternoon that in a question to the House it was said that there remained a social worker in the Prison for Women. There is no social worker working full time in the Prison for Women now. There is for the whole region a supervisor of classification who is a trained social worker who would be available to all the institutions for staff consultation, but no social worker is working with inmates.

Co-CHAIRMAN (*Senator Benidickson*): Of what department is this person-at-large?

Mrs. BATSTONE: He is attached to the region.

Mr. McQUAID: Is there a fulltime psychologist?

Mrs. BATSTONE: No.

Mr. McQUAID: Is there a psychologist at all?

Mrs. BATSTONE: No.

Miss BENSON: There is a consultant.

Co-CHAIRMAN (*Mr. Watson*): Are you talking for the entire system?

Miss BENSON: No, just the Prison for Women.

Mrs. BATSTONE: There is none for the Prison for Women. There is one for the penitentiary at Kingston. He is there on a visa doing a thesis.

Miss BENSON: This is the situation as I recall it as of October 26.

Co-CHAIRMAN (*Mr. Watson*): Now, I wonder if the ladies would care to give us their recommendations about what should be done now that they have left.

Mr. ALLMAND: Mr. Chairman, perhaps they would like to submit that in writing. I wonder if they can do that in the brief time we have left?

Co-CHAIRMAN (*Mr. Watson*): I think the committee would be interested in receiving their information in writing.

Miss MACNEILL: I would prefer to make the recommendations in writing. I would ask whether your question applies to this present time or the future planning for the Prison for Women, because these are two different things.

Co-CHAIRMAN (*Mr. Watson*): Could you treat both aspects, I wonder, or would that be too much to ask?

Miss MACNEILL: I will stand by the Elizabeth Fry brief which was submitted to the Solicitor General as the plan for the future type of institution and the calibre of staff. For the present time I feel a little reluctant, because I do not know what is going on in the prison today. I have not been there since March 31.

The acting superintendent was appointed on the 31st of May, I think. Now, there was a gap between my departure and the arrival of the acting superintendent who, I understand, is going to appear before this committee.

But I do not know enough really. I think with the help of Mrs. Batstone and Miss Benson, I might be able to suggest some approaches. I deplore the tremendous control of female inmates. I have visited many institutions and I have never seen anything as rigid as this is described to me by ex-inmates, which may or may not be true, but they are ex-inmates whom I found reliable and they think it is absolutely ludicrous, this pass system, where they cannot move from A to B without a pass. Recently another pass was introduced also.

Mr. STAFFORD: All they have to do is ask for the pass and they get it.

Co-CHAIRMAN (*Senator Benidickson*): Then why all the paperwork, if it is so easy.

Mr. STAFFORD: You just ask for it and you get it.

Co-CHAIRMAN (*Mr. Watson*): Why have the pass, then?

Miss BENSON: You just have to ask for it, yes, but you have to sign on it the time when you leave an area, the time when you reach an area and when you leave the new area.

Mr. STAFFORD: But within their own areas they walk all over the place. If they are in the laundry room they can go anywhere they want in it.

Miss MACNEILL: I should hope so.

Mr. STAFFORD: I just wanted to ask one more question. As I understand, Dr. Scott is there one full day a week, Dr. McCaldon is there four days a week, two hours on Monday and Tuesday, one on Wednesday and two on Thursday. They have Miss Irene Durocher who has a B.A. from Alberta. She had a year of work in an Ontario hospital and is now working in there. Is that correct?

Mrs. BATSTONE: Yes.

Co-CHAIRMAN (*Senator Benidickson*): What is it that she does?

Mrs. BATSTONE: She is attached to the classification staff at the moment. She was employed to go to the pre-release house when it opens.

Miss BENSON: She is not doing what you would call therapeutic work.

Mr. STAFFORD: I understood she was.

Mr. McQUAID: Is it clear that we have not got a fulltime trained social worker or a fulltime qualified psychologist on the staff for the Prison for Women in Kingston today. Is that correct?

Mrs. BATSTONE: Correct.

Co-CHAIRMAN (*Senator Benidickson*): And that is out of a staff of 79?

Mrs. BATSTONE: Yes.

Co-CHAIRMAN (*Mr. Watson*): That is ridiculous. Miss Benson, I wonder if you could give us your ideas as to what should be done? Do you have anything you would like to express now or put on paper?

Miss BENSON: I think perhaps on paper, if I can, but, of course, the point was brought out that it is difficult as far as the present situation is concerned, for it is six months since I have been there. That is as opposed to future planning and ideas for a new prison as well.

Co-CHAIRMAN (*Mr. Watson*): I think, if this committee is going to make recommendations, it needs to have both sides fully presented to it and needs to have a bit of guidance as to implementation of some of these things in the immediate future, at least. Over the long-term plans it is easier, but in the immediate future we will be making some recommendations here.

Mr. STAFFORD: Could they add any more than they have in those fairly long briefs?

Co-CHAIRMAN (*Mr. Watson*): Do you have anything to add, Mrs. Batstone?

Mrs. BATSTONE: After I left the prison—and I stayed because I wanted to be absolutely sure that I could not stay—after I left I sat down and I analyzed under some 28 headings the prison as it was under Miss MacNeill and the prison as it was after she had left.

Co-CHAIRMAN (*Senator Benidickson*): That is from March to October.

Mrs. BATSTONE: From the 17th of May which was the day that Mr. Clark came. There was an interim period.

Co-CHAIRMAN (*Senator Benidickson*): Miss MacNeill had some leave starting about March.

Miss MACNEILL: No, I resigned on March 31, but Mrs. Pindred, who was assistant superintendent of organization administration was appointed acting superintendent. Mrs. Pindred has lost two people.

Mr. STAFFORD: How was it during that period?

Mrs. BATSTONE: It was very difficult. Mrs. Pindred was trying to do her own job which she had left, Miss Macneill's job, which she was taking over without a visiting and corresponding officer and if you have not worked in the Prison for Women then you do not know what that means.

Miss MACNEILL: The visiting and correspondence officer retired on March 31, when I did, and there was no replacement. I asked in February and was told that there was no establishment there and, therefore, there could not be a replacement. Therefore, Mrs. Pindred was left to do the work of three people.

Co-CHAIRMAN (*Senator Benidickson*): In politics we refer to that situation as the lame duck regime.

Miss MACNEILL: And there was an inadequate number of correctional officers.

Mr. McQUAID: Mrs. Batstone, if the recommendations of Miss Macneill were put into effect, would you go back?

Mrs. BATSTONE: I would like to separate that question: I did not leave the prison because Miss Macneill left.

Mr. McQUAID: I did not suggest that.

Mrs. BATSTONE: No, but I wanted to say so, though. The program that was in effect in Miss Macneill's regime was a most satisfying kind of program, one in which I think the staff in our department felt they could utilize their full potential. There were never enough hours in the day. You were just keen to go at and you had that kind of attitude. Then the contrast was very different. I loved that job and I am not dodging the question, but, in a way, I would not have left that job if it had stayed the way it was.

Co-CHAIRMAN (*Mr. Watson*): Could I be permitted this final question? You do not have to answer, if you do not want to, because it might conceivably be embarrassing, but would each of you people, given a complete change in the set-up there, with a possibility of direct communication with someone in Ottawa, consider going back to this job?

Miss MACNEILL: I can answer for myself: No. I have reached the point, after thirteen and a half years of being the person ultimately responsible for an institution, that I feel I have had enough of it for my own health and peace of mind. But I will say that I think I would have stayed longer if conditions had

gone on as they were in 1963. It was in 1964 I decided I would resign, and I told the Commissioner early in 1965.

Co-CHAIRMAN (*Mr. Watson*): You think it will be possible in the future to have a therapeutic team, I mean of the sort you formed with Dr. Scott.

Miss MACNEILL: I would hope so.

Co-CHAIRMAN (*Mr. Watson*): Would you people be prepared to return under those conditions, Mrs. Batstone and Miss Benson?

Miss BENSON: No, I would not.

Mrs. BATSTONE: I would have to say I am married and I would need to consult with my husband about something like that.

Co-CHAIRMAN (*Senator Benidickson*): I think I am expressing the views of all members of the committee in saying that this evidence today came to us in a most informative way, and without any animosity or venom or criticism on personal bases which might have been anticipated. I want to congratulate the witnesses on their objective testimony in the interests of the important subject we are discussing, and the lack of anything but objective testimony.

Co-CHAIRMAN (*Mr. Watson*): Thank you very much, ladies. We appreciate your coming here.

The committee adjourned.

APPENDIX "I"

SOME COMMENTS ON MY CONFLICT WITH THE PENITENTIARY SERVICE

Isabel Macneill

An offender might be defined as a person who has never belonged to "our" society, or has broken away from it.

In 1948 I was appointed Superintendant of the Ontario Training School for Girls, a training school for juvenile delinquents ages 10-17. In referring to the homes from which they had been committed many said: "I felt out of place". Others expressed the same idea when they said: "It is better to be a juvenile delinquent than nothing."

These ideas were alien to my experience. I belonged to "our " society. I was bound to it by the love of my parents, acceptance in school, church, community activities.

It appeared to me that the only way in which these children could be changed was to create an atmosphere in which they could be bound or rebound to our society. I believed the adults in charges should strive to give the children a sense of their importance as human beings, needed by society. The U.S. National Association of Mental Health has defined the basic needs: Acceptance, Control, Faith, Guidance, Independence, Love, Praise, Protection, Recognition and Security.

It was not possible to achieve the ideal climate. There were too few staff for too many children. However of the 1200 I knew only 36 reached the ultimate in law breaking, committal to Prison for Women Kingston 11-17 years later.

When I assumed the appointment as Superintendant, Prison for Women, Kingston in December 1960, I had no illusions that I was dealing with juveniles. However I did know that the majority of inmates had the same beginnings as the children I had known.

Approximately 70% of the population had been in prison before. Traditionally adult offenders are hostile at their lack of freedom. Traditionally staff have little faith in the criminal's ability to change. Good inmates are those who conform to regulations, bad inmates are those who make trouble.

Firstly I talked to all staff, then to all inmates. I decided the antagonists might be reconciliable. With the support of staff I felt as I did it became accepted that the primary purpose of the institution was to prepare inmates to become law abiding. To be law abiding in society involves making the right choices.

Rules, which existed to make life easier for staff and inmates were relaxed. Inmates had to make choices, and if they made the wrong choices accept logical consequences.

They were expected to be in the right place at the right time without escorts, passes, artificial controls. 95 per cent responded to this responsibility. The 5 per cent who did not indicated to staff that they needed to be given special attention to develop self control. In some cases counselling was sufficient, in others loss of good time, privileges. Some of these inmates revealed themselves as seriously disturbed, in need of intensive therapy.

Inmates were given the choice to engage in positive activities, academic or business training, home economics, or departments where skills could be developed; or become cleaners. If they chose the latter they could not attain more than Grade 2 pay, unless they assumed other responsibilities.

They could choose to avail themselves of the services of the psychiatrist, psychologist, and social worker in intensive treatment or not. Treatment cannot be imposed, the inmate who wants treatment is usually ready to make some effort to change, it must be her choice.

If they did not feel ready for treatment: or in fact need it, they could choose to identify with a staff member—select a person whom they trusted to discuss their hopes and plans. Staff were expected to show interest, concern, but for practical matters like release contacts, child welfare problems, guide the inmate to see the Social Worker.

They could choose to avoid all contact with staff, except as required in prison life. A few inmates content to be criminals wanted to “do their time in peace” with no intrusion from our society.

Entertainments, evening classes, church, sports, were a matter of choice, but inmates who participated and who by participation indicated a desire to identify with our society were noted.

Attitude towards rehabilitation mattered more than “behaviour” in attaining the “new building”, which offered more opportunities for self discipline. If an inmate was committed who had not been involved to a serious degree in criminal society she was placed in the new building immediately. Inmates who had been seriously involved in criminal society but by identification with the positive aspects of the programme indicated a desire to change, were moved to the new building. An inmate who rejected all contacts with staff did her time peacefully, made no plans for her future, was not moved to the new building.

This philosophy was quite different than anything inmates had experienced. They had been in institutions where inmates were kept in their place by staff who stayed in theirs. Inmates want to be regimented, they want unity in an inmate culture. Inmates who don't want involvement are pressured into it, in conventional prisons. To be friendly with staff is treason.

Our policy was “divide and conquer” inmates who had begun to realize the futility of their lives broke away from the group. Very often an inmate would say “I look around and I hate these people, but I am one of them, what can I do to change?” A program was available, it was up to her.

This created turmoil. I was accused of “splitting up the inmates”. I told them that I was on the side of the law-abiding—as they were all law-breaking it was my right to encourage this sort of treason. I was accused of “favouritism” by inmates who “wanted to do their time in peace” and rejected participation in the programme. Inmates who were trying received more attention from staff, but anyone was free to change and receive attention. I was accused of tolerating lesbianism. For the first time in the history of the institution I brought the problem to the surface, attempted to separate the lesbians from the lonely, and prevent corruption of those who did not wish involvement. If lesbians wanted help to become law abiding they got it—the majority were drug addicts and that was the problem we had to resolve. Lesbians involved in aggressive behaviour were never moved to the new building, which they accepted.

The “turmoil” made it difficult for inmates not to think about the future more and more, and at least make plans. Those who rejected change became totally frustrated. On one occasion an argument between new and old building resulted in an old building inmate calling the new “rehabilitated rats”. On another, an inmate who had tried to organize opposition to a directive on clothing admitted to me in angry frustration that she had tried to organize a riot and only 8 would support her.

Yet on other occasion there was total response initiated by inmates, to the mores of our society. An inmate died from natural causes in the prison hospital. Inmates asked me if the funeral could be held in the prison chapel. It was organized and all attended. At the time of the Cuban crisis a group of inmates came to me and asked what would happen to them in the event of a nuclear attack—discussion followed and those who realized they could not get home even if permitted, stated they would like to look after children or old people—they

recognized the prison was a secure building! When President Kennedy was assassinated, inmates came to me and asked that the Chapels be opened. On the occasion of the last hanging in Canada one of the victims was well known to several inmates. I was concerned as I anticipated a demonstration: the institution was tense. The inmates who knew the man asked if I would permit them to go to the chapel at the time of the hanging. There was no demonstration.

Prison for women was not a conventional institution. This was recognized by two journalists, Peter Sypnowich and Michele Landsberg who detected that a war was being waged between administration and criminal society. Neither inmates nor staff were complacent, accepting each other's traditional roles. Every inmate who stayed out of prisons for longer than usual, or permanently, was a victory for administration. And there were encouraging signs that administration was winning.

In 1960 when I assumed my appointment there were problems in administration. The separation from Kingston Penitentiary was only partial. Finance, supply, maintenance remained the responsibility of Kingston Penitentiary. I was responsible to the Commissioner for treatment and training of inmates and direction of staff. Kingston Penitentiary staff were most co-operative, but inmates used for maintenance were too often associates in crime with the female inmates—illegal communication contraband was difficult to control. I believe my superiors felt I believed female inmates were better than male. This was not the case. I wanted the females to break with prison society, become involved in our society. I would liked to have seen the same thing happen to males. In 1962 it was decided to transfer supply and maintenance to Collins Bay. At the same time Regional Headquarters were established.

I found myself responsible to the Commissioner, in accordance with my terms of reference, to the Regional Director in accordance with his; and required to maintain liaison with the Wardens and Staff of Kingston, Collins Bay, and Region. It was a time of accelerated growth in the Penitentiary Service—directives were issued in great profusion. I did not have the staff to cope with the new organization. I requested a job analysis, which was not provided.

It was evident to me that my superiors believed that a small institution, irrespective of function, treatment, education, vocational training, industry, could function with the same number of staff as a satellite camp of 100. When I assumed my post in 1960 there were 46 staff for 120 inmates. When I left there were 56 for 110 inmates. Now I understand there are 79 for 75 inmates.

By 1964 it was made clear to me, although my terms of reference were not changed until 1 Dec., 1965, that it was expected that I would operate the Prison for Women as male institutions in the area were operated.

Interviewing prospective staff, with recommendations to Ottawa had been the responsibility of the Prison for Women staff. This function was assumed by Region, with a prison for women staff member, selected by them, as a member of a Board of 3.

I did not meet new staff until they reported for duty. As I had embarked on a programme of individual treatment, with the Commissioner's support, it was important that new staff accept the concept of individual treatment prior to employment. We believed that the attitude of staff to the law-breaker, the image staff would present to the inmates, was of paramount importance.

Recommendations made by me to the Regional Director on such matters as "leave for humanitarian and rehabilitative reasons under Section 26A Penitentiary Act" were rejected for such illogical reasons that I was discouraged from using this positive legislation. Headquarters had been the approving authority, and only once had there been a violation of trust on the part of an inmate, with several successful leaves.

Up to 1964 I had used Section 26B, absence with or without escort up to 3 days on my authority, to permit selected inmates to leave the institution for lectures at Queen's (Dunning Trust) Art Exhibits visits to Calderwood for week ends. It was communicated to me that this was violation of the principles of the Penitentiary Service, no inmate should have special attention because she had talents or interests or qualities different from other inmates. This was not the principle pre 1964—nor has it been since according to a report in the press of a male inmate attending university in Saskatchewan. I believe that inmates in institutions if believed to be sincerely interested in their rehabilitation should have every opportunity to improve their knowledge, test their reliability outside. 98% return to society.

Recommendations made to me by Regional Headquarters were often not in accordance with the climate I was trying to achieve.

(i) It was decided that the Classification Department, consisting of the Social Worker, Psychologist and two secretaries would be moved from the Psychiatry-Hospital area to an area to be constructed for Inmate Training. In my opinion the most positive aspect of the Prison for Women was the close liaison between the Psychiatrists, Social Worker, Psychologist, Nurses, and Superintendent. Before any inmate can be "trained" her emotional and physical needs must be assessed. The Psychiatrist, Psychologist, Social Worker constitute a team—share records—they should not be split geographically. What was desperately needed was a treatment ward for seriously disturbed inmates, in conjunction with the set-up we had. This is the most urgent physical need in the Prison for Women.

(ii) It was recommended that the curtains covering the barred fronts of cells be removed and polyethene be used instead so staff could observe inmates more easily. The cell block is harshly bleak, and it is difficult for inmates to feel feminine. A few inmates violated regulations about leaving doors open when entertaining, or not leaving sufficient space open at lock up—the majority did not. I deplore the attitude that prisons must be run to make it easier to control the non-conformers to the detriment of the majority. Staff are responsible for detecting and reporting persistent non-conformists—only in this way can non-conformists be changed.

(iii) It was recommended on more than one occasion that disturbed inmates, some of whom committed acts of aggression on staff, be locked up for the rest of their sentence. I believe they should be isolated until control was regained, lose statutory remission, but not rejected—to confirm their opinion of themselves as worthless people. Many ex-inmates who are adjusted in society today went through episodes of aggressive behaviour. During the period 1960-66 (March) no staff were hospitalized. Inmate attacks were rarely premeditated, but rather the temper tantrum type of behaviour. Most of the violence in the Prison for Women could have been avoided if proper physical facilities existed for disturbed inmates. The Medical Officer did not want such problems in the Hospital Ward, with the physically ill: I did not wish them, up to 1964, in a dark basement cell, after 1964 in the segregation area: with no supervision 24 hours a day possible. At any one time some 5-10 inmates would have benefited from the type of treatment provided in mental hospitals—physical and occupational therapy as well as psychotherapy in a special unit.

(iv) It was recommended that such matters as systems of allocation of leave for custodial staff, hours of duty for all staff, be changed to conform with male institutions. The former was implemented before I left; I objected because some staff had husbands and families: with a small staff it was not difficult to schedule so they could have leave together. The matter I believe was instituted after I left, despite staff objection. Prison for Women day staff had always taken only a half

hour for lunch—inmates were not locked up at lunch time—and went off duty a half hour earlier.

Many more examples could be quoted in which I believed the philosophy of treatment: the relaxed atmosphere we had attained in which growth of self control was encouraged, was threatened by bureaucratic regulations, possibly necessary in Kingston Penitentiary. I could see administrative action was coming, to make the prison for women conform—so I resigned.

The institution I left on 31 March 1966 is not the institution I have heard described in the press—on T.V. and radio. “Disorderly, inmates wandering “willy nilly”. The Deputy Commissioner has made his annual Inspection. I believe in November 1965. He seemed quite pleased with the Institution: this report is probably available.

If there was deterioration in the institution 1 april, mid June when the present Acting Superintendent was appointed, I had warned my superiors of the probability. From the time my resignation was known, December 1965, tensions developed. It was not the fact that I was leaving but the unknown, which inmates feared. The institution was seriously under-staffed, the Visiting and Correspondence officer retired on March 31st. This officer was one of the strongest and most valuable staff members. When I enquired about her replacement in February I was told by Region that there couldn't be any, there was no position established! The person appointed Acting four days after I left had four people to do the work of six, and the missing two were the strongest.

I do not think any human being could have operated the institution smoothly under the conditions faced by the Assistant Superintendent Organization and Administration, when appointed Acting early in April 1966.

I made no statement at the time of my resignation because I believed, and hoped that the treatment approach developed over five years would be improved by someone less tired than I. Doctors Scott and McCaldon, Mrs. Batstone, Miss Benson, and the nurses were a strong team. The resignation of Miss Benson upset me: she told me her reasons. When Mrs. Batstone felt forced to resign because of the destruction of the treatment programme I decided to speak also.

There is no valid reason for prisons except to protect society. Society is only protected by the rehabilitation of the greatest possible number. We seem to have achieved a better record than most institutions—with a large proportion of drug addicts: the inmates most likely to recidivate.

It has been said the institution is the “same” only more orderly. From the two staff members who resigned and ex-inmates who have visited me I have concluded it is not the same. Inmates are expected to behave as criminals and every precaution is taken to “control”. Before inmates were expected to behave as responsible human beings, their self image was enhanced by this treatment, and when they left they did not feel “criminal”. Those who found the attainment of a better self image very difficult often acted out—performed—but were still accepted as potentially rehabilitatable. The inmates who don't want to change dominate the conventional institution, they want peace—and privileges. This is “easy time”.

It is also easier for the staff.

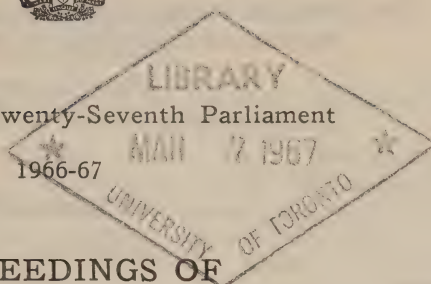
In my experience nothing worth while is accomplished easily. 1961-66 would have been easier if we had had a proper plant and adequate staff, but it would not have been easy. Changing people is not easy.

The important thing—to me is that quite a number of ex-inmates are happily married with children, or happily working, some in quite responsible positions. They attribute their change not to their happiness in prison but to the fact that they were challenged, forced to make decisions.



First Session—Twenty-Seventh Parliament

1966-67



PROCEEDINGS OF
THE SPECIAL JOINT COMMITTEE OF THE SENATE
AND HOUSE OF COMMONS ON
PENITENTIARIES

No. 4

THURSDAY, FEBRUARY 2, 1967.

JOINT CHAIRMEN

The Honourable Senator W. M. Benidickson, P.C.

and

Ian Watson, M.P.

WITNESSES:

Reverend John Nickels, Protestant Chaplain, Kingston Penitentiary;
Mrs. Eva Camac Nickels; George D. Scott, M.D., Psychiatrist, Kingston Penitentiary.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

THE SPECIAL JOINT COMMITTEE OF THE SENATE AND
HOUSE OF COMMONS ON PENITENTIARIES

Joint Chairmen

The Honourable Senator W. M. Benidickson, P.C.

and

Ian Watson, M.P.

The Honourable Senators

Benidickson,	Inman,
Cameron,	Irvine,
Deschatelets,	O'Leary (<i>Carleton</i>),
Fergusson,	Prowse,
Fournier (<i>Madawaska-Restigouche</i>),	

Messrs.

Aiken,	Ricard,
Allmand,	Rochon,
Dionne,	Stafford,
Fulton,	Tolmie,
Lachance,	Watson (<i>Châteauguay-Huntingdon-</i>
Matheson,	<i>Laprairie</i>),
McQuaid,	Winch,
Prud'homme,	Woolliams.

(Quorum 10)

ORDER OF REFERENCE

(House of Commons)

Extract from the Votes and Proceedings of the House of Commons, Tuesday, March 15, 1966.

Mr. Pennell, seconded by Mr. McIlraith, moved,—That a joint committee of the Senate and House of Commons be appointed to consider the state of penitentiaries under the control of the Government of Canada and the plans of the Government in relation thereto with powers to report from time to time its observations and opinions thereon; send for persons, papers and records; adjourn from place to place; sit during sittings of the House; and print from day to day such papers and evidence as may be ordered by the committee, and that Standing Order 66 be suspended in relation thereto;

That 15 Members of the House of Commons, to be designated at a later date act on behalf of the House as Members of the said committee; and

That a message be sent to the Senate requesting that House to unite with this House for the above purpose, and to select, if the Senate deem advisable, some of their Members to act on the proposed joint committee.

After debate thereon, the question being put on the said motion it was agreed to.

Extract from the Votes and Proceedings of the House of Commons, Tuesday, March 22, 1966.

On motion of Mr. Pilon, seconded by Mr. McNulty, it was ordered,—That a Message be sent to the Senate to acquaint Their Honours that this House will unite with them in the formation of a Joint Committee of both Houses to consider the state of Penitentiaries under the control of the Government of Canada and that the Members to serve on the said Committee, on the part of this House will be as follows: Messrs. Aiken, Allmand, Dionne, Fulton, Lachance, Macdonald (*Rosedale*), Matheson, McQuaid, Prud'homme, Ricard, Stafford, Tolmie, Watson (*Châteauguay-Huntingdon-Laprairie*), Winch and Woolliams.

LÉON-J. RAYMOND,

Clerk of the House of Commons.

ORDER OF REFERENCE
(Senate)

Extract from the Minutes and Proceedings of the Senate, Wednesday, March 23, 1966.

Pursuant to the Order of the Day, the Senate proceeded to the consideration of the Message from the House of Commons requesting the appointment of a Special Joint Committee of the Senate and House of Commons on Penitentiaries.

The Honourable Senator Connolly, P.C. moved, seconded by the Honourable Senator Hugessen:

That the Senate do unite with the House of Commons in the appointment of a Joint Committee of both Houses of Parliament to consider the state of penitentiaries under the control of the Government of Canada and the plans of the Government in relation thereto, and to report from time to time its observations and opinions thereon;

That nine Members of the Senate, to be designated at a later date, act on behalf of the Senate as members of the said Joint Committee;

That the Joint Committee have power to send for persons, papers and records; to adjourn from place to place; to sit during sittings and adjournments of the Senate; to print from day to day such papers and evidence as may be ordered by the Joint Committee; and

That a Message be sent to the House of Commons to inform that House accordingly.

The question being put on the motion, it was—
Resolved in the affirmative.

Extract from the Minutes and Proceedings of the Senate, Tuesday, March 29, 1966.

With leave of the Senate,

The Honourable Senator Beaubien (*Provencher*) moved, seconded by the Honourable Senator Macdonald (*Cape Breton*):

That the following Senators be appointed to act on behalf of the Senate on the Joint Committee of the Senate and House of Commons to consider the state of penitentiaries under the control of the Government of Canada and the plans of the Government in relation thereto namely, the Honourable Senators Benidickson, Cameron, Fergusson, Fournier (*Madawaska-Restigouche*), Inman, Irvine, O'Leary (*Carleton*), and Prowse; and

That a Message be sent to the House of Commons to inform that House accordingly.

The question being put on the motion, it was—
Resolved in the affirmative.

J. F. MACNEILL,
Clerk of the Senate.

MINUTES OF PROCEEDINGS

THURSDAY, February 2, 1967.

Pursuant to adjournment and notice, the Special Joint Committee of the Senate and House of Commons on Penitentiaries met this day at 3:30 P.M.

Present: For the Senate: The Honourable Senators Benidickson (*Joint Chairman*), Cameron, Fergusson, Fournier (*Madawaska-Restigouche*), Inman and Irvine—6.

For the House of Commons: Watson (*Joint Chairman*) (*Chateauguay-Huntingdon-Laprairie*), Allmand, Dionne, Ricard, Rochon and Winch.—6

The following witnesses were heard:

Reverend John Nickels, Protestant Chaplain, Kingston Penitentiary.

Mrs. Eva Camac Nickels.

George D. Scott, M.D., Psychiatrist, Kingston Penitentiary.

At 6:40 P.M. the Committee adjourned to the call of the Chairmen.

Attest.

Patrick J. Savoie,
Clerk of the Committee.

THE SENATE
SPECIAL JOINT COMMITTEE OF THE SENATE AND
HOUSE OF COMMONS ON PENITENTIARIES

EVIDENCE

OTTAWA, Thursday, February 2, 1967.

The Special Joint Committee of the Senate and House of Commons on Penitentiaries met this day at 3.30 p.m.

Senator William Benidickson, P.C., and Ian Watson (*Châteauguay-Huntingdon-Laprairie*), M.P., Co-Chairmen.

Co-CHAIRMAN (*Mr. Watson*): Honourable senators and members, we will now proceed with our meeting today.

The first witnesses we have today are the Rev. and Mrs. Nickels. The Rev. John Nickels is Protestant Chaplain at Kingston Penitentiary. He and Mrs. Nickels have for many years been associated with penal matters, in both a practical and an academic capacity.

The Rev. Nickels is a former naval chaplain. Prior to going to Kingston four years ago he spent a year at Washington Cathedral. While he was there he was having a look at the American prison system.

Mrs. Nickels was for many years a member of the National Association of Prison Visitors in Great Britain, and served as a board member and case worker with the Sussex Discharged Prisoners' Aid Society. She taught art in one of the large London prisons, and has served on the board of directors of the Vancouver Island John Howard Society here in Canada. She has also attended three U.N. Congresses on the Prevention of Crime and the Treatment of the Offender, held in Geneva, London and Stockholm.

Together the Rev. and Mrs. Nickels made an extensive study of penal institutions, welfare organizations and allied services in a three-year world tour, during which they visited fourteen countries and a number of sub-cultures to gather material for a book they are writing jointly on the general subject of society and the lawbreaker.

We are honoured to have the Rev. and Mrs. Nickels with us today, and we are very pleased that they accepted our invitation to come here to give us their views on Kingston Penitentiary. They will both make statements to the committee and then they will open themselves to questions from members of the committee.

I will call upon the Rev. Nickels to make his statement to the committee. If you would like to preface your statement with any other details of your background which you think would be of interest to the committee, please do. I know that you were a naval chaplain with both the Royal Navy and the Royal Canadian Navy. There may be other things that you would wish to add to what I have just mentioned.

Reverend John Nickels, Protestant Chaplain, Kingston Penitentiary: Mr. Chairman and members of the committee, there is very little to add to what the chairman

has already said, except to say that in our travels we viewed something like 200 prisons. I have also worked in English prisons as a chaplain; also for a short time in Australia, a little bit of work in New Zealand and Fiji, and one or two visits, which were only a matter of a week or two, working in American prisons.

I have not prepared my statement, other than in note form. I wish to bring out four points only. My statement is very concise and to the point, because I did not want to bore you with more.

Aristotle once remarked to a military leader of his day:

Better is a patient man than a strong one, and he that has dominion over himself is better than a getter of cities.

I have noticed in the many prisons I have visited and those I have worked in that the inmate with a fairly long sentence learns on the whole—and this applies not only to this country but to other countries—to become a patient man, but whether he ever becomes master of himself is another matter. I have noticed also that by the time these men reach the penitentiary stage with long sentences they do not have very much faith in themselves or anything else, but on the other hand they are very perceptive about what is going on in the prison life from day to day.

I spoke to a prisoner in Kingston Penitentiary recently, he had been in a number of prisons in North America and he confirmed what many people have told me, that he felt there was a continual conflict between the custodial group and the treatment team. He said that the treatment people often talk about and are referring to the better type of inmates, whereas the custody people talk about “the inmates” period. They have in mind, of course, the inmate who refuses to co-operate, for which the treatment is different.

An illustration of this is found perhaps in the Prison for Women, where, as those of you who have visited it will know, there is perhaps little chance of classification or grading because of the physical conditions, and I would say that the treatment team is right and the custodial people are right. It would seem to me, there and in other prisons, to be a question of poor communication. But it was ever thus, for it is said that in the early 18th century in the United Kingdom there was continual hostility between the long-established office of gaoler and the newly introduced one of chaplain.

Therefore, my first point is for better communication between the custodial authorities and the treatment team in all types of institution.

My second point is that I have noticed with some dismay the number of “Y” prisoners, young men of 18, 19, 20 and 21, who have progressed from training school and reformatories to the penitentiary. I would like to suggest some form of supervised residential or non-residential half-way houses in lieu of prison for first offenders in the less serious cases in the hope of avoiding prison altogether later on.

Just before I came to Ottawa I had a call from the rector of an Anglican church in a fairly well-to-do suburb, who asked if he could bring his youth group to Kingston Penitentiary, not to look round but to go straight to the chapel, because he said, “The way they are going on I cannot communicate with them, and as far as I can see it is likely they will end up in the penitentiary if something is not done.”

We hear these days a lot about half-way houses after prison to ease the prisoner back into society, but I am wondering whether there could not be devised an acceptable system whereby the courts would be empowered to put a young man on a mild form of supervised probation, which he might find took away just enough of his liberty to give him a taste of what the real thing would be, to deter him from further anti-social behaviour. Such a detainee, as I see it,

would either (a) go out to work daily, earning the going rate for whatever the job was and meet his liabilities, such as the expenses of his family, if any, and board and lodging in the half-way house, or (b) undergo some form of education and training within the half-way house, in which case it would be the financial liability of the authorities.

I am told that to keep a young man of 18 to 20—which is the group I am talking about at the moment—in a penitentiary in this year of our Lord 1967 is \$6,000 per annum. Could not the churches, with their present outreach program and correctional services, and the Board of Education perhaps share in the cost and run such a program, which I feel confident would represent a considerable saving vis-à-vis the above quoted penitentiary figure of \$6,000 per annum?

My wife and I were much impressed with a piece of work being done in Melbourne, Australia, called "Opportunity Clubs". The courts had the power to sentence a young offender of perhaps 12 to 18 to a period of training and social fellowship with one of the clubs. They lived at home, worked in the community or attended school in the normal way, but had to spend their evenings at clubs where they were exposed to various group activities, such as sports, discussion groups and other forms of creative work as well. This involved a partial deprivation of liberty combined with a firm but benign discipline for the period of their committal. We were told that it frequently had the salutary effect of cutting short their anti-social behaviour.

I come back to the penitentiary inmates, many of whom have told me, in one way or another, that they feel all the influence brought to bear on them inside the institution is often tinged either by a touch of discipline or reformatory measures which they feel come from official sources. Well, we all know that. But may I suggest an experiment—and I have been on about this ever since I have been in this country—in the form of the establishment of a national association of prison visitors. Such persons would be official unofficials, and, Mr. Chairman and members, they would be no drain on the taxpayer. By that I mean that they would be voluntary visitors within prison walls authorized to visit specific inmates, required to keep the regulations of the institution, but not in any sense either custodially or correctionally oriented.

Guidance and therapy is a personal problem, the essence of which often lies in the healing therapy which skilful listening can sometimes bring about. I suggest for your consideration that such an association might be formed on the following lines:

(1) that all prison visitors be invited directly through the office of the Commissioner of Penitentiaries, after most careful scrutiny of their credentials. This would be done locally by the warden, deputy warden, the treatment team, and maybe the chaplain;

(2) that they be invited to serve for a period of a year, and if satisfactory appointed for a further year. At no time would the invitation extend for more than one year;

(3) they would have no access to records.

I had in mind twice a month for an hour or two.

There would be no moralising, no religious proselytizing. They would have to have a sense of humour, be of good repute in the community and have held positions of leadership.

Army, navy or something of that sort.

(4) there might be five to ten visitors at an institution, depending where it was, and that the age be 25 up to any age.

You cannot say that at 65 they are done for. I have a friend in B.C. who is 98 and is just like a 20-year old, he is such a marvellous person. I say, do not limit it to a certain age; it depends on the person.

(5) the treatment team to select inmates who have requested visitors, such inmates as they think suitable.

My wife, as you have heard, was a prison visitor in England, and during the course of our travels we have been invited, with the consent of the prison authorities, to visit prisons in Pardelings in Western Australia, which is a farm camp, Suva Prison in Fiji, which is a multi-racial type of prison, William Head, B.C., Chino in California and San Quentin, California. We have been told by the appropriate authorities afterwards that our visits had considerably lessened tensions in those prisoners visited. For example, my wife saw two prisoners at San Quentin, and this was their first contact with anybody on the outside for over four years.

I have introduced, a similar thing in a most limited and restricted way to Kingston Penitentiary Chapel. One man, who has had periodic visits at the noon hour for over a year told me: "This has done me a great deal of good. I have often felt depressed, but by being able to talk about everyday happenings on the outside I felt as if I was not completely cut off from the outside world for at least one hour every day. It improved my thinking and helped my general outlook."

Faith in itself is a discipline. Every Sunday in the chapels of the Federal Penitentiary Service there are services, and in these chapels you will find a very mixed bag of congregations—United Church, Anglicans, Lutherans, Presbyterians, Dutch Reform, one or two Menonites, Holy Bible Church of God, and for good measure one or two Jews and Moslems, and a few who have no label whatsoever. Apart from the mixed congregation and drawing up a service suitable for the needs of all, you have to have a considerable program for the chapel through the week. Apart from taking services, writing welfare letters to families, being a "plastic shoulder" for all those with gripes to cry upon, and informing inmates of the death of relatives from time to time, the chaplain has to run a suitable program for the needs of the particular institution, as suitable as he can make it.

Across the Dominion of Canada many of my colleagues these days are doing just this, but we have no senior churchman to turn to in Ottawa for advice, direction and guidance, at a time when the church outside is undergoing some change. Because we in the field sometimes feel cut off there is a great need on occasions to consult with a colleague in a supervisory capacity, so I suggest, on behalf of my colleagues, that we do need a senior chaplain in Ottawa to consult.

As you have heard from Mr. Watson, I am a comparative newcomer in the service, having been in it just on four years, but many of my more senior colleagues, both Protestant and Roman Catholic, have, I understand, been advocating such a proposal for some considerable time. As a group across the country we seldom meet. A senior colleague informed me the other day that we have had only three chaplains' conferences in the last 18 years. That is understandable in view of the distances involved. But why not a post of senior chaplain?

George MacLeod, who is a past Moderator of the Church of Scotland, once saw a poster outside a Scottish prison, admittedly yellow with age, which said that visiting chaplains were not to converse with a prisoner about his past, his family or his future, but were to confine themselves to spiritual subjects. The church in prison is interested in the whole man. Its sphere of influence is not diminishing but surely broadening and increasing. Therefore, the church is interested in the whole man, helping him these days to hammer out and forge his character while in prison, but it takes time while he is in prison.

So, ladies and gentlemen, I give you my four points:

- (1) Better communication between the treatment and the custodial staff.
- (2) Half-way houses for young offenders before they reach the stage of the penitentiary.
- (3) The establishment of a national prison visitors' association.
- (4) Giving consideration to having a senior chaplain in Ottawa so that the church in prison may be seen to have better communication and perhaps a sanctified imagination and an imaginative faculty for the future.

Co-CHAIRMAN (*Mr. Watson*): Thank you very much. Could I ask the committee for their views. Would members like to hear both the Rev. and Mrs. Nickels and then ask questions?

MEMBERS OF THE COMMITTEE: Agreed.

Mrs. Eva Camac NICKELS: My statement will be on a much broader scale.

SENATOR CAMERON: We will assume, Mr. Chairman, that they are complementary statements.

Mr. NICKELS: Mine is not to do with Kingston Penitentiary. Mine is the result, in a more general way, of our findings around the world, dealing a little with the trends of criminology, and I wondered whether it would be better to ask questions of Mr. Nickels while his presentation was fresh in your minds.

Co-CHAIRMAN (*Mr. Watson*): I think we will hear them both.

Mrs. NICKELS: Ladies and gentlemen, I have been asked to make a few remarks this afternoon about the findings we made in our trip around the world and about the whole question and problem of the changing social world. As I think Mr. Watson said, we visited fourteen countries and a number of sub-cultures, taking three years to do it. We studied the whole question of the offender and society, what makes a society tick, what makes a person tick and what makes him not tick.

Amongst the most outstanding things that we noticed all the way round the world were the tremendous social changes which are taking place almost everywhere today. There is scarcely a place so remote that it is not touched by what might be called the technological revolution. Countries are divided by national boundaries and ideas, but they are united by the potential benefits and dangers of the new and modern technological developments.

For example, you will recall the east coast black-out a couple of years ago. This was a technological fact which affected everybody along the east coast. In other words, we may think we are separate from other people, and even that our way of life is different, but technology joins everybody up in this way. This was one of the disadvantages, when we were all in darkness because of something somebody did down on the New England coast.

On the other hand, one of the benefits of science today is the vaccination certificate required for international travel, which has had the effect of reducing the incidence of smallpox in many countries into which it would have otherwise been brought by people from countries where it was more prevalent. You therefore have benefits and disadvantages.

Another thing we particularly noticed in our travels, in a philosophical sense, was that this is an age of relativism. The last century was perhaps a period of absolutism, when people felt it was absolutely possible to work towards perfection, that everything in the world was getting better and better, that each development and invention discovered made the world a better place. We have progressed beyond that point now and realize that it is not necessarily progress, it is relative, a new process rather than necessarily progress, and that benefits carry with them many of the disadvantages inherent in them.

It is a new development in social studies to recognize that poverty, sickness, racism, discrimination, unemployment, overcrowding and boredom all have a connecting link with crime. Poverty no longer deals only with the question of imprisonment and punishment. Poverty goes further back along the line and tries to teach us that other disciplines—the disciplines of sociology, health, science and medicine—are inter-connected. There was a time when all these branches of society worked separately, but today they work together.

I have some notes of a few things that we noticed in the countries we visited. Although we travelled on this tour from 1956 to 1958, I went to Stockho'm in 1965 to attend the United Nations Congress on the Prevention of Crime and Treatment of the Offender, so I have been up-dated with respect to some of the countries I will mention. I have up-dated some of the things we found, because they were mentioned there and are still in operation, with some new things which have come along since.

These are just a few of the things that were particularly outstanding in these different countries. There were many other things, but I am mentioning today only a few of the things in each country.

Italy and Japan both have an emphasis on trade training. They try to establish more or less factories inside prisons. This is a debatable advantage. Up to a point it is considered to be very good, but it is also something to be very careful of, because you can train a man to be a good bricklayer, plumber or house painter, but it is important not to lose sight of the fact—and these countries do emphasize this themselves—that a man who has gone into prison as a thief and been trained can come out of prison a good bricklayer, but he may a'so still be a thief. These countries distinctly emphasized that they were trying to correct this inclination by concentrating on a skill which would free the man from his economic problems and perhaps making him a more stable citizen economically, but unless they discovered the reason why he was a thief in the first place he may go out and still be a thief.

Italy is in many ways very backward in her prison system. She is long on theory and short on practice in many welfare fields. She herself admits this. Those who have studied penology know that Lombroso was one of the first to begin to study the mind of the prisoner, and he had the idea that there was a criminal type of mind. This has all been gone into and is discredited today, but this was the cradle of modern scientific penology; it began in Italy and Italy has been very advanced in its study, but its prisons have not kept up with it.

In England, along with many other countries, unfortunately crime is big business. It is one of the biggest growth industries in England! There are many programs in progress in England to help the prisoner to become a better man, to be a more whole man. The actual prisons themselves are antiquated and out-of-date, and, as you all know from reading the newspapers, they do not hold the men. The prisons are more like sieves; they go in and they come out. Because of the pioneering in prison philosophy the modern thinking for prisoners is very advanced, the old prisons do not conform with the advanced thinking, and it is made very much easier to break out.

One of the things in English prisons that I took part in, which I think is extremely helpful, and which I believe the authorities regard as giving very valuable returns, is that every evening between 6.30 and 8.30 in the 72 English prisons and borstals there are over 2,000 voluntary classes held. In conjunction with the Board of Education, who supply the teachers, the cost being reimbursed by the prison system, they have voluntary classes, for which people sign up, including anything from philosophy to basket making, art—which I taught—current events, language classes in French, Italian and Spanish. If more than three people request a course they will arrange for a teacher to attend; if there are less than three people it is done by correspondence.

They leave their cells to attend the classes, and, of course, some only attend classes to get out of their cells. When I was teaching art I spotted these people fairly quickly and they were rather annoyed to find that they had to draw something; when they were in my art class they were obliged to draw; they couldn't not just come in and chat in the back row, which was rather upsetting to some of them, but they managed to draw something. I once remarked on a man's blank sheet of paper and asked him what he was going to draw. He said, "A cat", and I said, "You are not going to sit here doing nothing", and to his annoyance I stood and watched him for a few moments. As I walked away I said, "You hand something in at the end of the class. I don't care what part of the cat it is, but you hand in something to do with a cat." At the end of the class he handed me a piece of paper on which was drawn one whisker, so he got what he wanted out of it, but I also made him realize that he had to draw. However, he came to the next class, which rather surprised me, he really got down to it and drew. In many cases you have to reach the man or boy through some other means, and this was the channel by which this man gradually found that he had to discipline himself if he was going to get on at all.

There are also hostel schemes in England, which are rather like the pre-release schemes in Canada, but there they are perhaps carried to some extent a little further. They have been tried since about 1953. Long-term prisoners go to certain prisons which have specially adapted wings. For the last six months of long-term sentences they live in the hostel; they go out to work every day, coming back every night, and earn money in the regular way; they assume their financial and civic responsibilities outside the prison, as they will have to do when they go out; they start paying tax, they have to keep their families, they stamp their National Health and Insurance cards, they begin to do the things they will have to do outside and it eases them back into society.

One of the things that I think all countries have found is most dangerous in the return of a man to society is that the jump is so sudden that he is apt to come a cropper because he has not got the feel of it. This scheme is intended to give him the feel of it. Amongst the men prisoners this has been tried with there has been a great success, but it has not been so successful amongst the women.

France has a very enlightened approach to prison classification. In touring France and Belgium for the British Prison Commission to study after-care methods I was very struck with the fact that in France there is a very enlightened prison classification approach. Not only are prisoners in France, as in all prisons today, separated by sex, but they are separated according to their state of health. They have a prison in the South of France, in a very salubrious climate, where all prisoners suffering from emphysema are sent—and there seems to be a great proportion of people who have this chest complaint. Tuberculosis prisoners, of course, go to a tuberculosis prison. They are also separated by age. The young offenders are separated by length of sentence and record, and many other groupings. An attempt is made to treat the prisoner within his own group or type, which seems to have a very good effect on the response they get from prisoners.

Another thing I noticed in French prisons was that when they are paid for work done in prison they are obliged to salt part of it away, what they call a *pécule*, which is a sort of savings accounts; they have to save this against the time when they go out so that they do not go out without any money. That is also done in Belgium, where they have a very extensive network of voluntary after-care supervisors and helpers throughout the country. They have what they call *bénévoles*, who are people who can be called upon to supervise or sponsor.

When referring to the English long-term hostel scheme, I should have mentioned that many of the prisoners do not regard the prison as an authoritarian, disciplinarian agency. They frequently return to the prison at night to sleep

with a feeling of gratitude that they still have somewhere where they can consult with the authorities, with whom perhaps they have established a personal relationship, about outside problems.

Similarly, in France and Belgium the *bénévoles* are not regarded as the enemy, so to speak. They are definitely looked upon as friends whom the prisoners can consult when a problem arises, and these people will when a problem arises, and these people will continue to help as long as the prisoner needs it.

A development in Belgium which I found most interesting was that they put stable long-term prisoners in the same prison as young prisoners, which was an original idea. The young men would be from 12 to 18 years of age and the stable long-term prisoners may be 40 to 60, but people the authorities knew well. In Belgium a murderer is sentenced to a natural life term, so some of them may be there permanently.

In one prison I visited, the Château de Marneuf, the older men were like father figures to the young boys, and they organized what they call *le scoutisme*. Different houses were available and there was a competitive spirit among the scout lodges, which were very attractive, and this apparently has a very stabilizing effect on the younger men.

In Denmark I observed one very interesting thing. They have a parole board to consider a man's release, as in this country, but there the application for parole is made, not by a parole committee outside sitting in some other town, but by a committee sitting inside the prison of the man whose parole they are considering. Also, the committee is composed of men who work in the prison with the man in question, who have seen him daily over the years—the warden, the chaplain, welfare officer and senior guard—and their recommendation is sent to a head board in Copenhagen, but the decision of and the recommendation compiled by the men on the spot almost without exception prevails.

Both the Philippines and Mexico have island prisons where long-term prisoners and their families go to live. This does not seem to hurt the children, and it is stabilizing. To our way of thinking it is a very strange development, but at the Stockholm conference they spoke with great emphasis of the advantages of retaining family stability. Many countries at the conference emphasized the importance of regulated sexual facilities as a means of reducing aggressions within the prison community.

Russia, strangely enough, advocated the introduction within the prison walls of some form of faith. This does not necessarily mean a religious faith. The Russian delegation at the Stockholm conference, and other people in the penal field in Russia that I have spoken to, said they feel that no child, no family, no society, no community and no country would ever become fully mature without having a focal point for their faith. We in our part of the world usually regard this as meaning a religious faith, but I think we can broaden that and realize that many young people have lost or have not got a focal point to believe in.

The Christian faith offered this to people for a long time, but in the last century there was a great deal of hypocrisy and today many young people have broken away from it and are seeking something else in which to have faith. I was particularly struck with the fact that a country behind the "iron curtain" should lay this emphasis on a faith.

Russia also has "comradeship courts", in which there are small groups of people from the profession or trade against which a man has offended sitting in on the court to give their views on what the offence the offence means to that trade or profession. This is a legal matter, but it was interesting to me because it had an effect on the whole society.

Sweden, the host country of the last conference, is one of the most interesting sociologically speaking. In Sweden there are 19,000 convicted people, but they are put on a form of probation rather than being sent to prison, under

volunteer supervisors in the community. Of the 19,000 convicted persons, only 5,500 are in prison. This is a very interesting experiment. Sweden has more open institutions than closed prisons. This is an experiment to rehabilitate the prisoner in the community.

When a man does go to prison he can choose which prison to go to. In an open prison he is given a key to his room; there is a radio in each room; also, he is not called a prisoner but a client. There are excellent physical conditions. They have regular wages, getting the going-rate outside, and an arrangement with the trades union had made this possible, the trades union go along with it. They have newspapers, ice hockey, sauna baths. There are some factories within the prisons, as in many prisons today all over the world, which turn out goods frequently made to order; they receive orders from outside and fulfil them, or else they go on the ordinary market. However, they have no real freedom, because once freedom is taken away there is no substitute. The prisoner has to pay for his room, as in a hotel. He is obliged to save. The whole emphasis is on making the man build up his dignity rather than depriving him of it.

Over the last three or four hundred years most prisons have tried to degrade a man. Actually going to prison does degrade; in itself it takes away a man's self-esteem. The Swedish system tries to emphasize that a man should not be brutalized by being sent to prison. The effort is directed towards returning a useless citizen to the community as a useful citizen. Sweden does not publish recidivist figures so there was no way of telling what the recidivism rate was, but I was assured it was very low.

We visited many sub-cultures round the world, and I found that most crime among the native aborigines, the Australian, Maoris, Indians and Eskimos, in most parts of the world where you have a sub-culture, arises because a person has been caught between two cultures and is living pretty much in a vacuum. This makes it very difficult for them to know which disciplines they should follow, their old tribal disciplines or the new ones which they do not understand. The Australian aboriginal is quite a sad person; he is not an aggressive person, and most of his troubles arise through being caught between cultures.

The trends we noticed in these travels were towards smaller prisons and smaller units all round the world. They are away from Mr. Big. It is difficult to retain a man's individuality in a big institution. Everything is now directed towards personal contact as far as possible. Elizabeth Fry was asked in 1846, when she was before Parliament, "How have you managed to have this great success?" We replied, "By unremitting personal care". One of the trends in modern prison philosophy round the world is towards the man retaining his dignity and his identity, and in large units a man is stripped of his dignity and loses his identity. Another trend is towards more community involvement in the early stages, in the sense of the community having volunteer supervisors. There are other methods, but the trend in the philosophy of penology is towards more community involvement as an alternative to prison rather than prison itself.

Basic education is stressed in all prisons. Illiteracy should be eliminated—that is a "must"—and education is stressed as a way towards economic freedom although we should not make the mistake of thinking that the most educated are necessarily the best educated. This is something which needs to be carefully watched. In this connection, I think we found a great deal of instability among people, particularly women, all round the world, who had been over-educated and then under-employed. Their minds had been educated to a point of refinement, ability and competence, and then their lives were wrapped up in domestic drudgery, or in something that did not employ their minds to the full pitch to which they had been trained, and this produces frustration. We noticed this very much.

Turning prisons into factories is one of the things that eliminates boredom. Prison deteriorates men, and every effort should be made to offset, combat and minimize this deterioration. In a recent broadcast a prison governor in England said, "All we can try to do is to halt the deterioration. When we see it beginning to happen we try to minimize it."

At the Stockholm conference, what stood out was the fact that every country was looking for alternatives to imprisonment, for every sort of method which would correct a man and protect society. They found that the really dangerous people, who have to be segregated and cut off, comprise about 1 per cent of every country. The really vicious and the psychopaths, who perhaps cannot be reached, the morally sick who will never be cured, or whom there is very little chance of curing, will have somehow or other to be segregated in colonies and treated as sick people, but actual imprisonment very often does more harm than good.

Those are the trends. We must have a scientific and humane approach. I would like to give you a few of the facts about the combating of crime as such that I noted after the Stockholm conference.

Outstanding in our deliberations were discussions concerning the social changes needed to prevent the waste of human values in any society, agricultural or rural, black or white, developed or undeveloped, where criminality has raised its asocial head, and, conversely, discussions concerning measures required to combat social changes consequent upon the increasingly collective character of societies which have developed a high degree of technology which, in tending to depersonalize the individual, also tend to decrease his sense of worth and responsibility.

The day-to-day work and discussions of the congress fell into two main streams, which might be called the theoretical and sociological on the one hand and the practical and empirical on the other. Some people, rather derogatorily, called the two groups "arm-chair penologists" and "real workers". This seems a bit unfair, because among the former must be included people like research scientists who study all aspects of crime, and whose findings, among other things, indicate that crime persists in every society and appears to increase the more complex society becomes.

While not underestimating the role of the professional correctional field worker, it is, nevertheless, important to note that the modern approach to the study of criminality is concerned with the roots of crime, which are to be found, by and large, within the very society which produces the criminal, and the identification of the individual or group factors in the social fabric which lead to criminality would seem to me to be as important as, if not more important than, the practical aspects of the punishment of such criminality and the incarceration of the criminal.

But there is still a good deal of suspicion of and mystery about the social scientist and his statistics. His methods are too academic for some people's tastes, and out-moded penal policies linger on to clog the wheels of progress. For example, although the conventional methods of spending money on punishing the criminal rather than on trying to prevent the crime by social means in the first place are today almost universally regarded by specialists in the field as unnecessarily costly, socially undesirable and unjustified by results, new prisons continue to be built rather than slums cleared away and educational programs improved.

Let me quote a few statistics given at the congress. According to estimates provided for the year 1963, in the United Kingdom the program carried out there for the prevention of crime and the treatment of the offender cost the country \$300 million. In Sweden the cost for the same year was \$150 million, a sum

which, according to the Scandinavian Research Council on Criminology, is one thousand times higher than the amount spent on research in this field in both the U.K. and Sweden.

The Governor of the State of New York recently reported that the cost of combating crime in that state now amounts to \$665 million a year, placing the fight against crime third in the state budget.

Nigeria reports that the war on crime there for the year 1962-63 exceeds the cost of their public health program.

Pakistan states that in their 1957-58 budget the provision of funds made to fight crime exceeded that for education.

These few remarks and statistics will show that, whereas the rewards of industrialization may be high, the price in wasted human lives may be even higher, and that research in one area is as important as that in the other in a society whose standard of living is advancing, if that is the right word.

We feel that the scientific approach is important as well as the humane approach, as well as the approach in the realm of philosophy and what we value in life.

I will close with a little story of a drunk who was going home in London one night recently. He did not believe in anything to do with religion. He said to his friends in the party, who were all very frivolous, that he would prove there was no God. He went into a telephone kiosk and said, "I am going to dial GOD and see what happens." He dialled G-O-D, and to his horror a voice answered and said, "Can I help you?" He was quickly sobered, ran out of the kiosk and went home staggered. Next day he went to the Post Office, which runs the telephones in England, and told the story. They were just as staggered as he was, but they made enquiries and found that in some kiosks certain wires could easily get crossed and G-O-D could be the same as I-N-F which is dialled for "Information". He had in fact dialled I-N-F, although he thought he had dialled G-O-D.

In a recent broadcast the Archbishop of Canterbury pointed out that some of the hymns contained the word "information". Some of the older hymns said, "God give me information." I was interested to note that formerly the word "information", which in modern times means facts and data, meant "to be formed from within". It was an interesting incidental association of ideas that in dialling G-O-D that man got I-N-F and somebody said, "Can I help you?" In that way perhaps he was getting hold of the idea that he could be helped and formed from within.

I feel that the philosophical, religious and scientific must blend together in this day and age to bring about the stabilization of the individual and of society itself. In our travels round the world we realized that, particularly for the juveniles and young people, about whom we made a very specific study, some form of stabilizing belief is one of the greatest needs, some orientation of their approach to life.

Canada has a very big problem, England has a problem, all Europe has a problem, and we looked all round the world for reasons why these young people should have broken away from any sort of pattern of life and become rebels, as they are in some many countries, particularly in countries which have been touched by technology, and we came up with a number of things that we thought were at the bottom of this. Among them was the fact that young people have too much power too young. In many tribal societies they are prepared for adulthood in a very disciplined period from about 10 to 18 years of age, when we perhaps give them greater freedom, protect them more; the tribal societies more or less throw them on to the community to see whether they can match up to responsibility.

Also, the escape philosophy of the modern age affects them; they also try to escape. They see it in the adults, in immature parents. All these things contribute to the feeling that they do not belong anywhere perhaps, or that there is not a standard.

Nowhere in the world did we find a better substitute for stable society than a stable family. This was at the root of every country, every culture, from darkest Africa and the simplest tribal form to the most modern complex technological society. A stable family is the basis of a stable community.

Although we have been studying prisons, which is the dramatic breakdown of the community, we were also studying what could be done, where pressure should go to prevent that breakdown. Whereas we must handle difficulties and deal with the safety of the community as a whole, it is not outside the scope of any person outside prison also to be interested in prevention of the causes of prisons.

CO-CHAIRMAN (Mr. Watson): Thank you very much. I will not ask the committee for guidance. Dr. Scott, the psychiatrist at Kingston Penitentiary is with us today to give evidence, and I wondered if it might not be a good idea to follow the procedure we decided the other day and hear all the witnesses. For example, if any member wants to ask questions about the Prison for Women at Kingston it might be useful to be able to question all three people, who will then have given their testimony. How does the committee feel about this? Would you be agreeable to hearing Dr. Scott now?

MEMBERS OF THE COMMITTEE: Agreed.

CO-CHAIRMAN (Mr. Watson): We are very happy to have Dr. Scott with us. I will give you a little of his background, and then perhaps he can fill it in if he wishes. He is a native of Prescott, Ontario. He went to school in Kingston, graduated in medicine from Queen's University in 1939, and has the Diploma of Psychiatry from the University of Toronto. He certificated in psychiatry from the Royal College of Physicians and Surgeons of Canada.

His appointments are: Regional Psychiatrist, Department of Justice; Lecturer in Psychiatry, Queen's Theological College; Lecturer in Psychiatry, Faculty of Medicine, Queen's University; lecturer at the School of Occupational Therapy, Kingston; associate staff, Kingston General Hospital; associate staff, Hotel Dieu Hospital. He has had a private referred practice in psychiatry at Kingston from 1946 to the present time. He is founder and Medical Director of the Institute of Psychotherapy, a private hospital for the treatment of nervous ailments.

We are very happy to have you with us, Dr. Scott, and are looking forward to hearing some interesting testimony.

Dr. George D. Scott, Psychiatrist, Kingston Penitentiary: Thank you, Mr. Chairman. Ladies and gentlemen, I propose to speak to you for twenty minutes. My remarks will be in the form of a preface to the monograph, some extracts from a paper on classification and offence characteristics and extracts from a paper on the profile of a prison, in which a prophecy is made concerning prisons.

I am honoured to address this body, representative as it is of the Government of Canada and of the people of this dominion. My privilege to submit to you my thoughts on the subject must be understood distinctly by you to be my personal points of view. My conclusions and my opinions have arisen, not from hearsay, not from text books, not from theories, but from the hard face to face interviews, 20,000 in number, extending over the last 100 months. Each working day, 200 in number per year, has seen ten interviews, with a written report on each interview.

The role of a psychiatrist in a prison is still unwritten. You have at hand for your reference three monographs—"Offence Characteristics of the Criminal",

"The Captive of Society" and "Profile of a Prison". These monographs give a reflection of the involved picture which unfolds inside the prison walls.

The psychiatrist, like the medical officer and the clergyman, is primarily dealing with individual problems. However, the function of the psychiatrist has developed in many cases into a decision-making role. Such decisions have direct relationship to disciplinary measures, to transfers to various institutions, to determine an inmate's illness or sickness, to return to society.

The psychiatrist, more by chance than by his own design, has become an integral part in the administrative machinery of the institution, of the Department of Justice and of the Parole Board. In parallel, the psychiatrist has been found to be a reliable sounding board by the inmate population. Through him the inmate hopes to negotiate work changes, sleeping alterations and recreation facilities. The psychiatrist has literally become the "Third Man", functioning half-way between the administration and the inmate population.

I have not chosen to belabour you with a description of my position. I only bring to you an abstract of my experiences with a view to planning our future, to justifying our present plans and to supplying the lessons learned from the past, and sometimes bitter experiences.

It is not my wish to be questioned on the problems which have arisen at the Prison for Women. It is said, "Beauty lies in the eye of the beholder". It can be said that opinion lies in the mind of the beholder. Each person's view comes from a wealth of experiences interpreted, assimilated and reflected as an opinion, perhaps reasonable, perhaps prejudiced, perhaps self-justifying.

Today, and for some weeks, our prison system has been on trial. The dissection cannot help but be painful, but the weight of logical opinion will prevail. It is as if—and this is not a reference to the Prison for Women—the problems of a family have been broadcast to all the neighbourhood when only a few words of understanding, a few phrases of caution and advisement, a proffered promise of support, would have sufficed. As a previous speaker has said, communication is a vital part in human relationships. Let us not give 100 female inmates the centre of the stage. Let us give our 4,000 Canadian criminals, male and female, the benefit of our deliberations.

Government itself has cast doubt upon our prison system. Members of Parliament have used parliamentary privileges to make remarks which have been both unkind and unjustified, both to the system and to the officers of the system. I read with alarm certain remarks in *Hansard*, which were made in November, 1966, which I feel were not justified, and certainly were not well phrased.

My late professor of surgery at Queen's University, Dr. L. J. Austen, stated to my class in 1935: "God made us symmetrical for the purpose of diagnosis." Perhaps this aphorism should be applied to our system at this point and compared to other prison systems of the universe, as a previous speaker has so ably brought to your attention.

What are the standards of care in comparable prison units throughout the world? What is the training required for the average custodian officers in European countries, in the Orient, in the federal prisons of the United States? What is the level of medical care supplied to the average inmate in our type of society? What is the per capita cost per inmate per year in England, in France, in Spain, in Australia, in South Africa, in Peru and in Japan? Do the inmates of our prison system live at a lower level of personal comfort than they did in society? Do the families of our criminals live in squalid neglect or do they receive the basic comforts of life through mothers allowances and other agencies? Do the inmates of our prisons receive adequate psychiatric treatment compared with the inmates in free society?

Similar questions can be asked. The comparisons will bring us to the conclusion that we know so little that it is difficult to make a clear judgment. A student, after months of hard work and application, handed his report with a 72 per cent. average to his father. The father's only remark was, "Where did the 28 per cent. go?" Let us not consider the 28 per cent. from perfection. Let us consider the purpose and the plan. Let us believe that one thought is better than no thought. Let us remember that proving something is wrong is just as progressive and important as proving some particular action is right. Each action, right or wrong, brings us closer to the truth. Each experiment brings the solution that much closer to reality.

Our prison system is on a par with any other prison system in the world at the present time. Some areas are being modified, some ideas are being discarded. It is vibrant, progressive and, by necessity, controversial. I beg you to spend some time with the prison officials, not a few moments or a few hours. You will not find them glory seekers, you will not find them pathological sadists. You will find them devoted to a cause, honest in their convictions and open-minded to the extreme. I cannot help bringing to you the expression: never judge a man until you have walked a mile in his mocassins.

I would like now to turn to the monograph on the penitentiary system as it was prepared for your deliberations. It was written about a month ago, and I will read it, with the permission of the co-chairmen. It is about eight pages long.

The prison system does not function in isolation. It is a jig-sawed piece. It fits into other irregular masses, each identifiable in themselves as to size and shape, yet each without meaning unless considered in relationship to the pattern complex. I refer there, as you know, to the prison system in isolation as part of society. It is part of society.

The prison system is part of the system of justice, which in itself is part of the system of government. Alterations, fluctuations, in the system of government produce reciprocal echoes at each lower level. Similarly, disturbed functions in the prison system can echo into the floor of the government assembly, with inappropriate resonance.

The status and complexity of the prisons our day are a clear reflection of not only penal authority, but also of judicial law, backgrounded by the morainous problems involved in political manipulations.

In a lesser degree, the criminal is tumbled from the court assembly, through the vagrancies of trial procedure into jails wherein he remains for a chronological sentence. His ultimate welfare is subject to the vicissitudes of the trial court, to the presence or absence of defense counsel, to the implications of his past record and finally to the stony silence of prison. Herein he has his being. Herein he lives, works, learns, forgets, wishes, forgives and finally, for better or for worse, is extruded like a piece of metal back into society.

There is no specific area of imperfection in this total process. It is all imperfect. Social sanctions and felonious welfare have never gone hand in hand. Society in itself must change perceptibly if the social reject is to be changed to a similar degree.

The main problem in our social system is that all social controls are subject to emotional valuations. The sentencing system is influenced by emotional trade winds which blow from every corner of the legal process. People are primarily instinctual, are basic emotional creatures. They do not completely serve logic as logic can be fashioned easily enough to satisfy the emotional tone of the individual. In effect, our total political, judicial and prison systems are emotional cauldrons out of which flow all man's retributive characteristics as well as all the good intentions of mother conscience.

It is in this vein I wish to speak—of the prisons but not of the prison, of justice but not of the law, of political system but not of the political party.

In relating my points of view, I wish to discuss psychiatry and prisons from a general point of view and then a specific point of view.

My observations of captive life are set forth in a pamphlet 'The Prisoner of Society', which you have had previously to this day. My thoughts on prison autonomy are clearly expressed in 'Profile of a Prison'. My evaluation of the criminal as an individual are reported in the paper 'Offense Characteristics of the Criminal'. The latter two are in the printer's hands, and will be available in five weeks' time.

I will speak on

- (a) Prisons and their political implications
- (b) The sentencing process
- (c) Prisons as part of the Department of Justice
- (d) Recommendations

(a) *Prisons and their political implications*

The location of a prison is of primary importance in the welfare of the sentenced inmate. While it is true, he has no democratic rights, nevertheless the accessibility of the prison to large centres of population, to nearby adequate housing and to the obtaining of staff is of paramount importance.

Decisions concerning the location of prisons appear to be made on the political dais rather than on the reality principle. Many institutions have been built to satisfy mollify or negate some political altruisms.

A few of such cases can be mentioned in brief although the details of the decisions cannot be recounted here.

(i) The decision to locate the Joyceville Institution was made with complete disregard to the recommendations of the members of the Penitentiary officials staff. A certain senator was said to hold the mortgage on a large farm owned by one Benjamin Franklin. This farm was purchased in an arrangement which satisfied the vested interests of the involved parties—and quite properly purchased. While Joyceville Institution has worked out well, it has done so because of the efforts of the Penitentiary officials. The welfare of the Penitentiary Service was secondary to less noble motives of back-room agreements.

(ii) The decision to build a medium security institution at Warkworth, Ontario, is said to have stemmed from political demands for a financial plum from the political representatives at the time. The myriad problems associated with staffing such an institution some 120 miles from its parent headquarters are obvious. The problems of housing, staff training, trades training, medical and psychiatric care were allowed to come secondary to building a political monument to a dying giant.

(iii) The impulsive announcement of a past Member of Parliament to establish a Prison for Women at Cornwall, Ontario, reflected a partisan point of view thoroughly unhealthy in its implications. Due to the timely intervention by a socially adamant group, this project was shelved before an irreversible decision was made in conclave agreement.

(iv) The Drumheller development, known to me only by name, contains certain vague implications that the selection of the site was based on political expediency rather than on justical requirements.

The Penitentiary Branch of the Department of Justice cannot function effectively if it remains the handmaiden of political influence. A prison in an isolated community has multiform problems which make for complicated prisoner care and for inadequate training and rehabilitative training.

It is not my role to question what government does at all, but if it has a relationship to the treatment of an individual, or the treatment of an inmate, I bring it to your attention.

The nauseating spectacle—I use this adjective with apologies, but I will not change it—of a recent visit to the prison complex at Kingston can serve only to remind one that our future representatives must not be ruled by their hearts but by their heads in reference to the prison problems. Progression and regression can best be assessed by the experts in the field, not by the interested observers from another frame of reference.

The sentencing process is now the subject of my discussion. The Judicial System is perhaps the most stable element of our society. Its stability is maintained through tortuously slow reform activities. These are conclusively decided after years of adversary thought. In such regard, the handling of the emotionally sick or mentally ill offender lies in an area of paradoxical law.

As psychiatry and medicine have advanced, the definitions of illness, both physical and mental, have changed. Emotionality has become a valid factor in studying the criminal mind.

Such criminal acts as seen in the sexual offenses, together with a wide range of arson, false pretences and aggressive acts—each has a common denominator of emotional conflict.

The sentencing of an inmate has little relationship to the individual and his criminal motivation. All crimes are equal as far as chronology is concerned. All criminals must conform to their chronology.

At the moment, the mentally ill offender may be declared unfit to stand trial. He then may be held in hospital, treated and returned to trial. The convicted criminal, who although mentally ill, does not conform to the M'Naghten's Rule, Durham Rule, or more recent developments, may be sent to a penitentiary institution. His mental illness may be treated in the institution, or he may, within 30 days, be sent back to his home jurisdiction for mental hospitalization until he can be transferred back to prison as no longer mentally ill.

The emotionally ill offender has no such relief. He is looked upon as guilty of his offence although the problem of irresistible impulse is causing some anxiety at this time in the handling of these cases.

This offender travels the same road through jail as does his criminal mates who have been motivated by material gain.

The breadth of the emotional factors in the criminal man is variable. One bank robber may be motivated by the spectacle impulse, another by the gain impulse. A car thief can be emotionally oriented to the affluence of driving a big car, while another steals a car for transportation purposes. One cheque writer may be excited by his offence and have a strong emotional factor in his activities.

One murderer may be an aggressive, hostile, angry person, while another may act out his tragic role through the medium of alcoholic amnesia.

Such is the mirror upon which these inmates reflect their problems.

Inmates, whether mentally well or sick, emotionally well or sick, intellectually capable or moronically stupid, all pass through the prison gates to the same cells, the same jobs and the same rehabilitative training.

Prisons were built 100 years ago for criminal man. As time has gone by, science has found man to be less criminal and more "sick". Time must wait for progress of legal thought and medical proof.

The trial court has to carry out its major role in determining the innocence or guilt of the accused. Courts were never designed to appraise the emotional and mental complexes of the individual offender. Jails and penitentiaries attempt to screen, divide and treat these people, but are hampered by limited facilities and overwhelming work loads.

Sentence evaluation boards—and this comes in perspective in view of the remarks of previous speaker—must be set up in each judiciary wherein the handling of the convicted inmate will be decided. As he has already been duly sentenced according to law, the judicial system has no real role thereafter.

The sentence evaluation board—much like a jury—must have authority to keep the convicted person in appropriate surroundings. This might mean that the sentence be served in mental hospital, on psychiatric parole, on work parole, or in educational pursuits, or in one of the many penal institutions designed for a specific type of offender.

Such an evaluation board would include a lawyer, police representative, social worker, prison officer and medical and psychiatric specialists.

In this way, the dispositional board would follow the judicial decision and would establish an individual plan for each inmate who appears before them.

(c) Prisons as part of the Department of Justice:

The present plans of the Prison Communities by the Department of Justice have been drawn up after extensive consultation with officers in the penal system. Careful studies have been made of other penal systems in the Americas and abroad. Overtures from a socially interested public have caused a review of the present plans with an eye to purposes of rehabilitation.

There is a broad spectrum of inmate types. Certain inmates are chronically imbued with hate and have to be continually confined for the protection of others. Other inmates, although potentially dangerous, can function among their own types and require particular environments. Other types of inmates require medium supervision with trades activity, while others require minimal supervision. Each of these phases may be singular or each may be part of an echelonic concept.

Apart from the purely "punitive" side, the emotionally and mentally sick group must find their levels in one of these several institutions.

Custom has placed a psychiatric unit in the maximum prison at Kingston Penitentiary. This psychiatric unit houses some 40 chronically and acutely ill mental cases. These cases are under treatment within the levels of available facilities. Psychiatric services are available at the other institutions on an out-patient level. Prison for Women, with its 100 inmates, receives 16 hours of psychiatric service a week, while Collins Bay, with 400 inmates, receives 12 hours a week. Joyceville, of about 400 inmates receives 4 hours weekly, while Kingston Penitentiary, with 1000 inmates, receives 40 hours a week.

In general, Kingston Penitentiary is the mother prison, and as a result, the concentration of psychiatric help is maintained there. (2.8 minutes per inmate per week). At Prison for Women, each inmate receives 9 minutes a week, while at Collins Bay each inmate receives 30 seconds a week, and at Joyceville, each inmate receives 20 seconds a week.

The therapeutic possibilities of each prison unit have never been adequately assessed, but it is felt that each 400-bed prison should have at least 24 hours of psychiatric service a week (half-time psychiatrists) (i.e. $3\frac{1}{2}$ minutes per inmate per week).

The major problems of emotional and mental nature cannot now be adequately handled at Kingston Penitentiary. Difficult cases are certified and transferred to the Ontario Hospital Penetanguishene, if space is available there. At that hospital, facilities are overcrowded and as a result, admissions occur weeks after the requested date.

There are no facilities in Ontario, apart from Ontario Hospital Penetanguishene, where a mentally ill criminal may be treated. Penetang is a maximum security institution with overwhelming case load and a dedicated and over-worked staff.

A medical centre, already on the planning board, must be established to allow for the adequate treatment of the emotionally and mentally ill offender. In addition, research into criminal patterns has to be encouraged in these projected centres. The medical centres must become training areas for psychiatrists-in-training.

These centres are urgently required. Air travel allows transportation at little inconvenience.

The selection of Millhaven as a centre for medical study seems to be a fairly logical step. Problems of the hospital-prison prison environment can be worked out without endangering either facet of the penitentiary process.

The training of psychiatrists, psychologists, social workers in criminal pathology, must be encouraged. Fellowships for doctors to study Forensic Psychiatry must be arranged.

Large scale seminars for the General Practitioner must be given to acquaint him with early evidence of criminal behaviour. Lawyers must be instructed in the symptomatology of the emotionally and mentally ill offenders.

In summary

Recommendations:

(1) Prisons must be planned and located for specific purposes not secondary to political machinations.

(2) The legal process must, by necessity, maintain the present trial system as to innocence, guilt and sentence. The second level of the process should be placed in the hands of regional boards to determine the program for each sentenced person whether it be hospital, parole or prison.

(3) The present prison planning accommodates the gamut of criminal personalities from the detention unit progressively down to the minimum security unit.

(4) Medical centres are required immediately

- (a) to handle the ever-increasing load of offenders whose offenses are based primarily in emotional or mental factors;
- (b) to facilitate research activities involving the "criminal mind";
- (c) to increase the knowledge of the medical civil legal professions in relation to the criminal mind.

That is the monograph I prepared for you. If I may have the time, I would like to refer to a paper "Profile of a Prison" I read to the Peterborough Medical-Legal Group and read from it pages 9, 10 and 11.

It may repeat something I have said already, but this is important.

PROPHECY

Two factors have been involved in my address. The first is the accepted fact that prisons, as they are now known, can never attain humanitarian perfection. If evil, selfishness, violence, hatred exist in the mind of man, it can only be dispelled by the removal of these characteristics from the parent society. All of us, if we have these characteristics, are criminal in degree. Secondly, prisons are subcultural centres where indoctrination must be completed due to the cultural punitive pressure.

Two avenues are open. Change the society and change the psychological value system intrinsic to prison life. There are several other factors which form variables and condition the flow of inmates into institutional life.

A legal process which allows every charged man to plead his case is a fundamental one. Countless hundreds of inmates reside in complexes who had no legal advice at time of trial and who received a sentence without benefit of counsel. The legal aid system is attempting to alter these injustices at their source.

Scores of inmates have received sentences after bargaining with police authorities concerning admission of other charges to "clear the books". Sentences are usually unaltered by police promises.

The inconsistency of sentences across the country in relationship to the similar offences presents an appalling picture of unfairness. A car thief in one jurisdiction may receive three months in one area while in another area may receive four years. Magistrates have been meeting under the Ontario magistrates' Society to bring these alarming and somewhat personal projections into a provincial stability.

The myth of psychiatric magic must be dispelled. A small percentage of inmates have treatable psychiatric problems. The offenders may all have a psychological problem but if the inmate is not motivated, not intelligent, there is little help for him beyond his own maturing and his own development of value symptoms.

Of some 24 dangerous sex offenders in the Kingston area—these are people who are there ad infinitum—only 16 are felt to be treatable from a psychiatric point of view. In other words, there are eight bodies there that are just passing time. Of some 30 murderers studied at Kingston penitentiary, only 12 per cent have diagnostic psychiatric conditions. The armed robbers, the sneak thieves, suffer from a hostility based upon their early experiences. This type must be taught that anger impulsivity never solve a problem. The fraud artist has had a lifelong disturbance in his dependency relationships. He must be taught to be independent. The offender involved in an emotionally laden offence requires psychiatric help.

All prisoners are not treatable psychiatrically. The future frame of reference will see:

(a) Medico legal diagnostic centres which may be used in a pre-sentence evaluation or in a post sentence frame of reference. Here the concentrated diagnostic unit will program the inmate's existence and his social release.

Not all prisoners are treatable, but if you keep in mind our suggestion of the post-sentencing board, then this fits naturally behind that. Such centres will form the medical core for advanced thinking in the discipline of criminology and medicine. These centres will have legal consultants who can determine the appropriateness of the charge and may perhaps completely negate the charge on the combined medical and legal conclusions. For example, the ability to stand trial is a decision of medical legal importance, and most of us know the following:

- (1) The prisoner should be able to instruct counsel,
- (2) He should appreciate the significance of pleading guilty or not guilty,
- (3) He should be able to challenge a juror,
- (4) He should be able to examine a witness,
- (5) He should be able to understand and follow the evidence placed before the court and court procedure.

The medico legal evaluation of these factors is not a simple procedure. Example, the simple expression "instruct counsel" is a complicated point on the connotation of the word "instruct".

These centres may conclude that the sentencing procedure should be waived, and social supervision carried out for a specific period of time. The steady wage earner who becomes involved complicates society by imprisonment. He might better expiate his offence as a working extramural inmate unnumbered and undefined.

(b) Medical Centres wherein medical and psychiatric treatment teams will bring scientific approaches to selected inmates. The diagnosis and treatability of various offenders could be determined together with the establishment of research programs to function in parallel with clinical procedures.

(c) Jails will become smaller and less organized in the subcultural basis. Your speakers this afternoon brought out that the important point is warm relations with another person. Inmate anonymity will be reduced with maintenance of personality while incarcerated.

(d) Industry will not resent the inmate population for competing with it. At the moment, any industry would raise a political hue and cry if prison labour managed to invade its priorities.

(e) Rehabilitation may take place in large social complexes which contain all the elements of incarceration, punishment, motivation, remuneration and progressive rehabilitation.

And here is Reward City, which you may think is a little dream, but Reward City is a theoretical name given to a therapeutic prison environment based upon progressive self-democracy.

Reward City is a newly built town. In the center is a modern reception building which houses some 400 new inmates. Here they are evaluated. Difficult problems are placed in disciplinary units for the protection of all. Inmates are selected for lesser security areas. Nearby is a series of long one-storied housing units, with exercise yard and a high wire fence. A similar set of buildings appears on a nearby street which houses another 200 inmates.

A modern school lies nestled to the left of the medical centre. It looks like a high school. Bright classrooms reveal technical equipment of all types. Teaching is in progress. Cars pass on the street. A nearby gas pump and attendant is busy with his work. A laundry of modern nature is in the front to the right. 60 people are working there. A large dining hall forms the foreground nearby. As noon arrives, the population moves from school to dining room, from laundry to dining room.

A large manufacturing building contains 10 different shops, each functioning as a business. One is making hockey sticks, a second is making woodwork cutouts for decoys, a third is doing assembly work on a contract basis.

Surrounding this complex are several one-storied plants. The X shoe plant has been established by the X shoe company. Its employees are inmates who work for a daily wage. A large brick-making plant is on the outskirts which employs men under contract.

Again on the periphery are rows of houses called nests. Here one finds husband, wives and children living in controlled but subtly supervised surroundings. Nearby are other houses where selected officers live with their families.

A small theatre, a gym and library can be identified.

This is Reward City wherein the sentenced inmate must try to leave maximum security, then to medium, then to minimum, then to supervised productivity, then to individual democracy. As he works, he earns, as he works he learns. He finds a philosophy of self-pride and he never learns the concept of subcultural cohesion.

"Perhaps not in our time but tomorrow".

I think that will conclude my remarks to this committee.

CO-CHAIRMAN (*Mr. Watson*): Now we can proceed with the questioning. Mr. Allmand has the first question. Would others who have questions to ask indicate that fact to me, please?

MR. ALLMAND: To begin with, Dr. Scott, I would like to clear up one point arising out of your brief. You said that the visit of the parliamentary committee to Kingston was a nauseating spectacle. Would you explain what you mean? I was on that visit. In fact it was my second visit.

DR. SCOTT: To my mind it was unfair to ask members of such a committee to be so hurried in their deliberations. I do not think it was fair at all. You could not talk to people; you could not get the atmosphere. Things just do not work

out right. To my mind the fact finding and seeing of the bricks and mortar was fine, but it would have been much more productive to have spent time in the various branches and to have had an opportunity to have contact with some of the people in the institution.

Mr. ALLMAND: Oh, I thought you meant we should not have gone there at all.

Dr. SCOTT: No, I did not mean that, but it just was not fair. I did not feel it was as well handled as it could have been.

Mr. ALLMAND: Do you think members of parliament should visit penitentiaries at all to see what takes place?

Dr. SCOTT: Very definitely; this is very important. If each member of parliament could spend one week in one institution, I think he would help the system and he would help the government, and he would be capable of seeing that the system is doing pretty well with what it has available at this time.

Mr. ALLMAND: Do you think we should go there in smaller groups?

Dr. SCOTT: I would think so, yes.

Mr. ALLMAND: Do you think a large group like that has a bad effect on the prisoners?

Dr. SCOTT: Well, prisoners have a pretty thick skin about these people who want to look at them. I remember a newspaper man from out of town saying to me on one occasion when he came to the prison, with a gleam in his eye, "I want to see a murderer." This appalled me. He wanted to see a specimen, not a man, who would commit such a crime. To my mind a visit of members of parliament is very important. I know when they came to Kingston I spent a great deal of time with them. I regard this as a privilege, and most of the officers did so too. We regarded it as a privilege to show them around. It may be that a member of parliament will come about one or two people from his own constituency, and he may talk to these people.

Co-CHAIRMAN (*Mr. Watson*): I think the Padre had something to say about this question.

Padre NICKELS: Since I have been to Kingston we have had a number of individual M.P.'s down to read the lesson in chapel on Sunday morning, and I found it to be not only beneficial, but it has given these particular gentlemen the chance of speaking with some of the inmates who attend chapel in a casual way, and I found that to be a good thing. But I would back Dr. Scott up in what he said, that when people do come down it seems to be so rushed they are in and out before you know it. The last day you were down I was holding a Holy Communion service and was not able to explain anything about what we were doing. I did understand you were going to spend much more time there.

Mr. ALLMAND: I would agree with that.

With respect to the women's prison, did you say, Dr. Scott, that you did not want to comment on that?

Dr. SCOTT: I do not want to comment on personalities.

Mr. ALLMAND: Fine, then I will not ask you that question.

What I was going to ask you though was this, do you feel that since the administration of the women's prison changed, since Miss Macneill has gone, do you think there has been a change in emphasis from rehabilitation to custodial care?

Dr. SCOTT: I think it is much too soon to make any real observation in that regard. This morning I spent at the Prison for Women, and I particularly asked a number of inmates about this matter, and I was interested in this. I think the egg is not yet hatched—let us put it that way. We have a change of system, but there is no point in decrying one system and making positive statements for another

system when the facts are not there yet. It has been three months, I believe, that the Prison for Women has been under this particular system that has caused the concern, and I do not think anybody in three months can by any means whatsoever tell which is better and which is not better.

Mr. ALLMAND: So you would say you cannot make a judgment either way as to whether there is more emphasis now on rehabilitation as opposed to custody, or vice versa?

Dr. SCOTT: If rehabilitation was a pill and custody a liquid, I could tell you the dose, but if you ask me in a year, if I am still functioning there, I think I will have something fairly reasonable in terms of inmates' reactions and attitudes, and in relation to custodial staff, and so on; but it is impossible to compare them at this point. I do not think there is that much difference actually. The problem has been communication, and I know that in marriage communication is a great problem, and if that breaks down the marriage breaks down. If communication between people in jail breaks down, you start getting misconceptions and hostilities, anxieties and suspicions.

Mr. ALLMAND: Do you think the opinion of the inmates should be given some value or weight in judging the systems of prisons?

Dr. SCOTT: The opinion of the inmates is of importance, I think, in the nature of the temperature of the situation, but I do not think you can take a hostile, angry, let us say, woman who is placed in jail against her wishes, who has had to use heroine to get around her anger, and ask her if she likes the situation. She will like it if she can get away with privileges or "her own way." It is hard to find a logical, middle-of-the-road opinion from inmates. There are some inmates who could live there for five years and would not say "Boo!" and would say, "This is a fabulous place, and it is much better than on the street." Then there are hostile people who have likes and dislikes.

Padre NICKELS: They play one off against the other.

Mr. ALLMAND: Do you think it could be said generally inmates would prefer a system where decisions are made for them, as against one where they have to make their own decisions? Do you think you could make a general statement like that?

Dr. SCOTT: Well, I think that some inmates you might look upon as emotional as children. Their actions are childish. They are somewhat immature. We all know from raising our children that when we establish limits on their behaviour they may test those limits, but they know what is proper and what is improper. They may not make any more attempts when they find out that they can go only so far.

Mr. ALLMAND: Then, moving to another area, would you say that the division between the provincial and federal responsibilities in the maintenance of jails and penitentiaries—you know that those sentenced to two years less a day are sent to the provincial jails, and those who have been sentenced to longer terms are sent to the penitentiary. Do you think that this system hinders the system of rehabilitation in Canada and the system of criminology.

Dr. SCOTT: Perhaps I would be getting out my field if I comment on that, but I can tell you of one or two things—

Mr. ALLMAND: The reason I bring it up, doctor is that you seem to think that there should be some system of guiding criminals from the very beginning—from the first time they are in court and convicted, and sentenced to, say, two months. I got this impression from listening to the people who are in the prison business. I am wondering if it is a good thing to have one system under the provincial governments, and another system under the federal government for the incarceration of more serious offenders.

Dr. SCOTT: I understand that at the moment it is a matter of legislation, and whether or not the federal Department of Justice is going to take over all offenders, even those with sentences of a month or so. I know from my point of view that the offender who comes in for a short period of time is lost because he can see the end of his sentence. If he can see the end of his sentence he is not going to be too interested in improving himself in, say, four, five, or six months. He will say to himself that he is going to wait for the date when he can get out to come up. But, the offender who is sentenced to five years is worried about what is going to happen when he gets out, but not so the man with the short sentence.

Mr. ALLMAND: I am wondering if, as a psychiatrist dealing with criminals, you think it would be better if we had one system of jails and penitentiaries in Canada as opposed to two. In my province of Quebec we have a system of jails under the provincial government, and a penitentiary system under the federal Government. A man may end up two or three times in Bordeaux Jail, and then end up for a long sentence in Vincent St. Paul.

Dr. SCOTT: I think one system is a great deal better than two systems.

Mr. ALLMAND: That is fine. I will go on to one further question. You have talked about the variety of sentences, and how they vary across Canada. You have mentioned how one man can get two months in one place, and another man can get two years in another place. Do you think the Criminal Code should be more specific with respect to sentencing, and that the judges should have less freedom in this respect. Do you think the sentences should be more circumscribed, and in more detail?

Dr. SCOTT: Here you will have a medical man telling the legal profession how to run their business.

Mr. ALLMAND: Well, we have to work together.

Dr. SCOTT: That is right, but—

Mr. ALLMAND: The ends of the law are to serve society.

Dr. SCOTT: I will tell you of a discrepancy I have observed. It is a fact that the lad who is sentenced to four years for stealing a motor car complains, wondering why his friend got only two years. Inmates are rather peculiar in that they like to know what is going on. If you have a good reason to give, and can say that he got four years because of this, that and the other thing then he will say: "That's fine. I understand it". However, you may have two incest cases that come in. One man may be from Timmins and he got eight years, and the other may be from Toronto and he got four years. The details of the problem may be just about the same. This is very difficult for me to explain. I am concerned about this from the point of view of dealing with the inmate who feels that four years—

Mr. ALLMAND: They have a sense of injustice, I suppose?

Dr. SCOTT: Yes, and a sense of hostility, and this, of course, packs the snowball that much tighter in terms of the inmate society.

Mr. ALLMAND: I have one final question, and perhaps I will be ruled out of order. I just want to know whether you, as a psychiatrist dealing with criminals, were disappointed at the decision of Parliament last June to retain capital punishment. What is your opinion on that as a psychiatrist in Canada working with criminals? I do not want your reason, I just want to know your opinion.

Dr. SCOTT: I am quite happy with the decision that was made.

Mr. ALLMAND: You are quite happy with the decision that was made?

Dr. SCOTT: For a number of very specific reasons.

Mr. ALLMAND: I will not go any further. That is all, Mr. Chairman.

Co-CHAIRMAN (*Mr. Watson*): Senator Fournier?

Senator FOURNIER (*Madawaska-Restigouche*): Mr. Chairman, I would like to ask this question of the Reverend Nickels and Mrs. Nickels. In the four years in which you were engaged in this line of work, did you find out that you were making progress; are we achieving something in the right direction in the line which you presented to us today; is the situation improving in general?

Padre NICKELS: Are you speaking specifically of Canada and my four years here?

Senator FOURNIER (*Madawaska-Restigouche*): In Canada, yes.

Padre NICKELS: I think there are people better qualified to answer than I, because remember I am behind four walls all the time and do not see very much else of what is going on; but there are certainly improvements taking place and people are trying to work out various methods of treating the individual criminal. I would say on the whole that things are moving, but as the Commissioner of Penitentiaries told me when we met together once, the thing stood still for a good 80 years, we must remember, and we are expecting to put everything right in a decade. It takes time. In fact, Elizabeth Fry was once asked what she advocated in England, I believe in 1817, and it took effect in the Criminal Justice Act in 1948. Things moved in this way rather slowly, and to quote Aristotle, you have to be a very patient man; but there is a definite trend in progress. I have seen things happen. They have not been static. People are trying.

Co-CHAIRMAN (*Mr. Watson*): Mr. Winch?

Mr. WINCH: I have three questions, Mr. Chairman, which I would like to ask the doctor. I believe he said he had 20,000 interviews in prison during his career. If that is so, Doctor, could you give us any idea as to whether you have been able to arrive at any conclusions as to what has been or is wrong with our penal system in Canada owing to the fact that we have so high a rate of recidivists.

Dr. SCOTT: I have been trying to do this over the last few years since I have had enough experience to form a conclusion. I am in the midst of this type of thinking, and I am sorry I cannot be very exact. The few papers at hand give some idea of the approach and the way of evaluating the problem, but I do not think I can answer that question. I have accumulated a great deal of information. It is all reported individually. Now I am trying to abstract it, as it were, so that it is meaningful and exact, so that it is based upon fact. These three papers will give you some idea.

Mr. WINCH: My second question, I know you can answer, being a psychiatrist and working in prisons. Could you tell us whether it is a bad practice and therefore bad policy when all the inmates in one institution are made to suffer over a period of time because of the irresponsible action that has been taken by a minority inside the prison? Let me give an illustration. One of our penitentiaries some years ago had a riot. This was brought about by a minority which broke the two television sets in that penitentiary, and because of that, as a penalty no television has been allowed in the penitentiary for three years. Now, do you think it is wrong to penalize all for the wrongs of a few, as a psychiatrist?

Dr. SCOTT: Well, I do not want to get myself into hot water with anybody else, and I do not want to misinterpret you. What you ask is, if an injury occurred three or four years ago and an individual is still being punished for it, is this reasonable or unreasonable?

Mr. WINCH: No, my question to the doctor was, from his experience and from his profession as a psychiatrist, could he tell up his view as to the effect on the majority in being made to suffer because of the irresponsible actions of a minority.

Dr. SCOTT: I think the only logical answer there is certainly resentment and hostility and a feeling of frustration and a feeling of unfairness would develop. I

do not know the circumstances involved in this particular case, so I would not like to say these are the facts?

Mr. WINCH: I have told you that the punishment was: "no television".

Co-CHAIRMAN (*Senator Benidickson*): You did not tell us where the television was.

Mr. WINCH: If you want to know, it was in the penitentiary.

Dr. SCOTT: Are you sure your facts are right?

Mr. WINCH: I have been visiting penitentiaries for 34 years and visiting them four times a year and I do not do that for nothing. The last time I was in a B.C. penitentiary I was there for three days and at the inmates' request I interviewed 73 inmates, so I know my facts.

Dr. SCOTT: I am not distrusting you but sometimes facts have a habit of changing over and getting into another frame of reference.

Mr. WINCH: In going through your remarks, I note you pointed out the amount of time that can be given to an inmate by a psychiatrist. I have felt that the systems were terribly wrong, with a half-time psychiatrist dealing sometimes with 900 persons. I am very pleased that you emphasized this and I am particularly so with the point that we must encourage the training of psychiatrists. I know this is very much in the mind of the committee and I am wondering if you have any idea, because of the emphasis you place on it, as to what measures might be taken to encourage men and women to come into the field of psychiatry as it applies to the penal system.

Dr. SCOTT: First of all, I would like to comment on the part-time psychiatrists. Prison work is a different kind of work. If you are exposed to people who are trying to get something out of your pocket, for eight hours a day, month in and month out, that person's judgment sometimes becomes less well balanced. Most psychiatrists cannot stand the continual slow pressure of people wanting something from them. As a result, the part-time psychiatrist in general can give a more balanced approach to the inmate if he works in the institution for three hours in the morning, goes out and sees his practice in the afternoon and he is not overwhelmed. A sick psychiatrist is a bad thing. When I say sick, I mean a psychiatrist who says: "They are all a bunch of crooks, I am not going to bother with them."

Mr. WINCH: On that basis, would it not be a lot better to maintain a system of part-time psychiatrists and have three, four or five part-time psychiatrists?

Dr. SCOTT: My belief is—this is trying to develop in an area where I theoretically am boss man—there will be two full-time psychiatrists, myself and another man, and there would be perhaps three part-time psychiatrists who would have particular roles to fill, whether it is group therapy or psychotherapy or whatever it is, seeing each one as a particular job he can do. As Dr. Gendreau sees it, he wants two full-time men in the Ontario area and a number of part-time men who can assume particular responsibilities. In my notation, your next point was, how to obtain more psychiatrists. Oddly enough, it is not exactly dollars. There is some rather vaguely noxious atmosphere about a prison. In my own experience, I have brought psychiatrists into prisons with me and literally I have seen them looking over their shoulders, waiting to be pounced upon. Sometimes the stress of prison walls and locks and keys are antagonistic to a person's feeling of relaxation.

I feel that the Government, as it did in 1941 and 1942, could offer medical bursaries at the university level, wherein a young doctor could obtain internship and go into prison internship for a stated number of years. This could be done in the same way as a student at the Royal Military College who, if he elects to, can

go into medicine and receive his medical course and intern as an army medical officer for a period of years. At the end of that time he is free to do whatever he chooses.

Now, such a plan would be possible, because there are many good boys of not quite enough dollars to go through medicine, but who under the aegis of a supervising body of this nature would be steered into psychiatry and into prison work. Once you get somebody interested in this work, you have got them.

The pay is not a major item, I am quite sure. However, any of the members of the committee can see that dollars naturally are important in a medical man with five years special training. Nevertheless, this is not the item that a psychiatrist will talk to you about. He does not know whether he likes it or not.

Senator FERGUSON: Mrs. Nickels, I think it is wonderful that we have had the benefit of the wide knowledge that you and the Reverend Mr. Nickels have acquired in your study of the prevention of crime and the treatment of people who have committed crimes, and we are certainly very grateful for the broad view that you have given us of conditions in other countries. I have visited some other prisons in other countries myself, though not in the way that you have because I am afraid mine have been very fleeting visits. I did have enough time to evaluate a little of what the programs were, and for any of the prisons that we have both visited, my conclusions were just the same as yours.

However, there is one thing that I would like to ask you. Dr. Scott said that he considered our prison system to be on a par with any prison system in the world. I do not want to embarrass you, but I would be glad if you could say, based on the wide experience that you have had, whether you would agree with that statement, because you would certainly be able to give a judgment on that question.

Mrs. NICKELS: That is a very difficult question to answer when I am in Canada. I could answer it more easily at the 1970 conference in Tokyo.

Mr. WINCH: Just make believe that you are back in Stockholm.

Mrs. NICKELS: I feel that, from what I have seen of the penal system in this country, there are certain aspects of it which would probably not measure up to the prison philosophy in some countries. On this continent—and I include the United States—a good many of the appointments of prison personnel are politically tied. These are positions that are given by appointment rather than by open competition.

It is a very central feature to the prison systems of many countries that there must be an open competition based on merit only. However, a good many of the prison appointments in this country are still made, as I understand it, from selection by personal acquaintance or political reward.

Now, this used to be the case in England. I made a study of prisons in England from mediaeval times until the modern day, and there was a long period when prison appointment were in the political vote. As I understand it, there are appointments made in this country still along those lines. It is not actually by open competition.

Now, I think you get people very often more fitted to the job when you test them completely dispassionately against their merits. When you appoint people you may by chance get somebody who is very good, but but you may, on the other hand, get somebody else who is a friend of somebody's and who is not particularly good. In America, certainly in the United States, it is openly admitted that many of the appointments are tied to political influence.

One point which may not be stressed enough in Canada is the selection and training of personnel, although there is an attempt to be very objective about it, whereas in some of the very modern countries with modern penal systems selection and training is very carefully done. I still think that is some of the very modern systems the selection and training of personnel is very carefully done

because the type of prison personnel is very important. It is said that the man who spends his time opening and shutting the cell door and seeing the prisoner every day is perhaps the man who may influence the prisoner most. In some cases I think the actual day to day prison personnel is still selected very much at random. While there is some training, I think there is an inclination to regard this as being less important. From that point of view I think there are some more advanced aspects.

Senator FERGUSON: You consider then that the man who opens and shuts the door should, perhaps, have some knowledge?

Mrs. NICKELS: I think his philosophy could in many cases influence the man more than we realize. I know the prisoners themselves are rough people very often, but it has been found that an intelligent warder and one with an understanding of the problem which he is facing can very often influence the prisoner more than a man who just regards it as a job. In other words a person who regards it as a vocation can be more effective. In working with prisoners the object should always be to try to reach the man to influence him to change his attitude.

Senator FERGUSON: You feel perhaps that in some countries they put more stress on this?

Mrs. NICKELS: I do know this is so. There are countries in which the people who are called prison officers or warders are more carefully chosen, and appointments to the administrative staff are nearly always open to competition. I agree with one of the previous speakers, I think it was Dr. Scott, who answered the question about centralized authority. I think the fragmented standards which obtain at different levels of incarceration make a prisoner very cynical.

There are not only two types of imprisonment in Canada, the federal and the provincial but there is also the county or lock-up. My experience of working with offenders has been that it is very often the very first impact with the law that colours a man's attitude for the rest of his life towards the law. The very first contact, even at police level when he is picked up for some offence, and the way he is treated at that time can influence his attitude towards the law for the rest of his life. In his view an injustice—and of course most prisoners regard everything as injustice—can colour him when he comes against another level which may be different again. The countries that have centralized authority are thought in penal philosophy to have made an advance. I know that in countries as big as Canada and the United States it is difficult to do this. But if there was a central standard it would help. In Australia, for example, the rules for prisoners are placed on every door in every prison. If an unfortunate man, like one we met who had been to every prison in Australia goes to any prison he knows the rules are always the same.

Senator FERGUSON: I was very much interested in what you said about Sweden, and about factories where they produce things for sale on the public market. I believe you said the same thing applied in Japan. I believe when I was there I saw people making flowers that were going to be sold. I find it hard to understand how the industries which produce those things do not object. I am sure they would in Canada.

Mrs. NICKELS: There has been an historic objection over the years, and this has been a hard thing to get across. The labour unions have always fought this, but they have finally come to an understanding in some countries and they do not object any longer. This is a matter of co-operation between government, labour, unions, industries and the prison authorities.

Senator FERGUSON: This did not come about all at once?

Mrs. NICKELS: No, it had to be worked out, but when it does come about it makes the prison system very much more economically viable. It seems to me

one of the worst things is the complete economic stupidity in a system where you have to keep a man and probably his wife and family from welfare funds, and he becomes a man who contributes nothing to the community.

I know there was a big swing of the pendulum away from prison labour being used for productive purposes at one time because of exploited labour. The pendulum has swung away from that in some countries and the prisoners are a dead loss, but in other countries, such as Belgium, for example, the prison farms support themselves completely; they cost nothing to the taxpayer.

Senator CAMERON: Mr. Chairman, first when I read Dr. Scott's monograph on page 5, where you refer to the nauseating spectacle of the visit to Kingston, I bristled a bit, but his explanation has cleared it up.

I would like to say this for the benefit of the steering committee, that I thoroughly agree with him, that a one-day visit to a major institution like Kingston is hopelessly inadequate. I spent a day in Kingston and only got through a very small part of it.

If this committee is going to do its work effectively, I think we should plan to have longer times in these institutions, and it may be we should divide up according to interests some may be interested in one aspect more than another. So, you are off the hook a bit, Dr. Scott, in that respect.

You made one reference to the immaturity of the prison population. I am wondering if you would venture an estimate or a guesstimate of what percentage you would classify as immature or juvenile in their approaches, because this has to do with the kind of treatment that can be effectively given.

Dr. SCOTT: Perhaps I can answer that, not face to face, but by deviating a bit. If we can look upon immaturity as the need for immediate reward rather than long-range planning, criminals by and large either get into trouble because they want a substantial reward immediately without paying for it, or an emotional reward immediately without working for it. The majority of the break-entry thefts, the assault-occasioning-bodily-harms, arsons and offences of that nature, together with the sex offences, are all based upon the common denominator of immaturity, where impulse strikes and the individual wants what he wants when he wants it and will not wait for it. This is immaturity, and a lack of maturity.

When an individual can substitute the fact that he must work to get a motor car that he is going to pay \$500 for, and must plan ahead to get it, one can say that he has some idea about maturity and about rehabilitation because he is going to help himself.

Senator CAMERON: Are you prepared to make an estimate of what percentage would be classified as immature?

Dr. SCOTT: Well, I would say and, again, for instance, I think of the aggressive assault or the armed robbery, you have heard me call him immature, and he smacks of some order of immaturity.

Senator CAMERON: Is that high?

Dr. SCOTT: I would say that.

Senator CAMERON: My next question has to do with the statement at the bottom of page 10 and at the top of page 11 on the amount of time given by a prison psychiatrist to the prison inmates. Averages can be very misleading, and I presume that many inmates never see a psychiatrist at all.

Dr. SCOTT: Yes.

Senator CAMERON: So it would be more realistic if you could give us an idea of what percentage of prisoners the psychiatrist sees, and, secondly, what the length of the typical interview on the average would be?

Dr. SCOTT: First of all, I will tell you that I put it in this way to give some sort of statistical relationship, but it is not necessarily valid, although the time

difference is right. The percentage of inmates who require psychiatric treatment is in the neighbourhood of 30 per cent. This does not mean those involved in psychotherapy. In some cases it may mean some guidance and an explanation of how the inmate got into trouble, and things of that order.

There is a higher percentage of referral than 30 per cent, because referrals come from magistrates and judges, and, concern all sort of areas in which certain features are noted.

For instance, all the sexual offenders at Kingston Penitentiary are seen psychiatrically, and yet not a high percentage is treatable, and not a high percentage are actually sex offenders. A man who gets drunk and makes some sort of an assault on a lady may not be deep down inside a pathological offender.

Mr. WINCH: Would you allow me to intervene for a moment? In a long interview I had with one of our psychiatrists in a penitentiary in Canada I was rather amazed when he made the statement that if he could give all the time required 70 per cent of the sex offenders would not repeat and come back—that is, if he could give them all the time required. Do you agree with that?

Dr. SCOTT: All I can say on that is that when we size up the dangerous sex offenders we find that there is a fair percentage of them who are not treatable. Just about 25 per cent are not treatable due to mental defects due to mental illness, and so on.

Mr. WINCH: But do you have the time to give to those who are treatable?

Dr. SCOTT: No.

Mr. WINCH: That is the point I wanted to get.

Senator CAMERON: This comes back to what is the average length of the interviews.

Dr. SCOTT: This depends on whether it is a dispositional interview, and diagnostic interview, or a therapeutic interview. A dispositional interview may take only a few minutes. This is when we decide whether an inmate should go to the maximum security prison or not. He is put through a sieve.

If there is any history of mental illness at all then he has to be seen psychiatrically, and may be sent to a mental health clinic. In this interview, depending upon certain responses, he may be seen for only five or ten minutes. A therapeutic interview may take 45 minutes. I would say that the average length of interview is about 25 minutes.

When I say that I see ten persons a day it may be that I will see in the morning three dispositional cases—that is, to decide where they should go—I may see one for therapy, and I may have one diagnostical interview. The same would be true for the afternoon.

Co-CHAIRMAN (Mr. Watson): I will ask for the direction of the committee as to whether we should adjourn now until 8 o'clock, or continue on until we have finished. If the committee wishes, we can sit until we finish. I know that Dr. Scott wants to drive to Kingston tonight, and probably Padre and Mrs. Nickels wish to do that as well. What is the feeling of the committee?

Senator CAMERON: I have to go to Toronto tonight, and I have only one short question left.

Senator FOURNIER (Madawaska-Restigouche): I do not believe we shall be very long. We have only a few questions to ask, because there is a great deal of material in the brief.

Co-CHAIRMAN (Mr. Watson): And I have just a few questions to ask.

Senator CAMERON: Dr. Scott, I have a question to ask partly with reference to an answer you gave to a question by Mr. Winch. I thought the suggestion that medical bursaries or internships could be established an excellent one and that it could provide an answer. In that connection, do you think it would be useful if a

medical student were assigned to this work so that at the end of his fourth year out of a six year program he could start in and make a useful contribution after that time?

Dr. SCOTT: In the Kingston area we have had an association with Queens medical students who came for a six weeks period. Now, it is very interesting that a boy either has it, or he has not. If he has, he is inoculated right away and wants to know more about it and to go into psychiatry and so on. So that in the undergraduate years certainly one can sort of make the catch. You cannot land them but you can influence them. But in terms of being a useful member of the medical or psychiatric community this is questionable, because you have to teach the boys.

Senator CAMERON: But I think that idea can be developed and might be one of the answers to get the expanded staff necessary, and I would like to see this followed up. I will not trespass any further at this time, Mr. Chairman.

Co-CHAIRMAN (Mr. Watson): Mr. Ricard?

Mr. RICARD: In your rehabilitation work in the age groups, is your work most effective in the 16 to 18 age group, the 20 to 21, or 21 to 25?

Dr. SCOTT: From my point of view I am much happier with the inmate who has been in an institution and has learned the philosophy that crime does not pay. The young man who comes in on a short sentence, you may spend a lot of time with him. The offence of some individuals may be from some emotional release at the wrong time and his rehabilitation is more difficult in that he did not have a gross difficulty in the first place. But I would say the person fed up with being in prison makes a good rehabilitation object. Perhaps the padre may wish to comment.

Padre NICKELS: That is what I have found, that the man who has had a sentence of two, three and again perhaps five years, from my experience in Canada, begins to get very fed up with prison and is ready to sit down and talk with you, and perhaps you can map out a direction for his life. The young offender is much more difficult to deal with who is 18, 19 or 20 years of age. They are not particularly interested in anything, they are disillusioned and particularly if they had come through the training school, the reformatory, and come on to the penitentiary they are very disillusioned and bitter, very often.

Mr. RICARD: Is there an age limit beyond which there is no use trying to rehabilitate, padre?

Padre NICKELS: Well, I found that a very good bet is after 40 years of age, curiously enough. I had quite a number at Kingston at 40 years of age and who have made determined efforts. One man I am thinking of had been there for 17 years and he is now doing very well out in B.C. I do not think you can ever give up, but I must say that when they are institutionalized that is a difficulty. Some who are 50 or 54 years of age and who have been in prison so long, what are you to do with them, they have no friends?

Co-CHAIRMAN (Mr. Watson): Senator Irvine?

Senator IRVINE: I have just a couple of questions. As one who worked with young people a great number of years I was delighted with at least two things Mrs. Nickels said. One was the opinion in regard to our young people, that too much power is given to the young. Another thing that I am very much in sympathy with is as far as visitors are concerned. I feel that 25 years of age is a good age in which to start to have visitors come, because before that age I feel that many of these young people that are serving their time do not want to be talked to by just young people. They want somebody more mature, somebody that has added experience, who is really and truly interested in them. Those are the two things I was very much taken up with.

As far as Dr. Scott is concerned, I was delighted with his remarks. I was also very pleased when he mentioned the different institutions. He said that many institutions have been built to satisfy or mollify or negate some political altruisms. One of the places that he mentioned, where a medium security institution has been built was certainly a very great surprise to me. As a westerner, I have visited that district and I can see where things like this do occur and I think that more care should be taken about the location of these prisons.

Co-CHAIRMAN (*Mr. Watson*): At this point I should like to introduce our technical assistant, Mr. Ron Price, who is Associate Professor of Criminology at Queen's and whom the committee has engaged for technical advice and aid.

I would like to ask about the women's prison in Kingston.

Padre NICKELS: If you are going to ask about personalities, I cannot answer.

Co-CHAIRMAN (*Mr. Watson*): No. Was it your impression that the therapeutic approach that was being used, the approach of Dr. Scott as psychiatrist plus a psychologist and social worker, was an effective means of treatment at the women's prison?

Padre NICKELS: First, I am very part-time there, perhaps two hours a week and therefore I am not in the driver's seat. It seemed to me that the system worked very satisfactorily from the treatment point of view and that the liaison was good. That is all I can say.

Co-CHAIRMAN (*Mr. Watson*): You would rather not take any position, one way or the other, as to whether or not there is now, as Mr. Allmand termed it, a custodial approach rather than a treatment approach?

Padre NICKELS: I can speak only for my department and it has worked well under both regimes. I have not had difficulty in getting to inmates to chat with them. I have had freedom to do my job and that is all I can say.

It seems to me that the atmosphere is very happy, but as Dr. Scott says it is perhaps too soon to say and perhaps one could not give an opinion for another twelve months.

Co-CHAIRMAN (*Mr. Watson*): You mentioned a suggested half-way house for prisoners, who were first offenders, first termers. I take it you are also in favour of half-way houses for those who are on the way out, who have been sentenced to more than one term. What other suggestions do you have for improvements in our present rehabilitation approach to treatment?

Padre NICKELS: I think more people could be placed on probation but I know it is very difficult because probation officers all over the world have such large case loads that it is difficult to put more on. We need more probation officers.

Co-CHAIRMAN (*Mr. Watson*): Do you have any suggestions as to where we might obtain more probation officers?

Padre NICKELS: Simply by voting more money and also by having a better system of training, perhaps through the universities or colleges, and making it more attractive as a career.

Co-CHAIRMAN (*Mr. Watson*): Have you looked at all at the training facilities in Canada for probation officers? Have you made a study of this yourself?

Padre NICKELS: When we were in Ontario we did look at what was being done by Mr. Coughlin as far as probationary work is concerned. I believe he is involved at the provincial level. Also, we met quite a number of probation officers out in British Columbia, but we have not made an intensive study in that area of work.

Co-CHAIRMAN (*Mr. Watson*): Do you have any specific recommendations about how to get more of these people into training? Would you suggest bursaries and scholarships and so on?

Padre NICKELS: Yes, I would like to see bursaries and scholarships, and I would like to see more use made of people who are retired, people who have held positions of leadership and who are perhaps looking for a way to express themselves in later life. I am thinking of people who have had a great deal of experience in the world and in business, and those who have brought up families. I am thinking of young grandmothers and also businessmen in their fifties and sixties.

There was a wonderful film called "I Believe in You," which you may have seen. It was about a colonial servant in the U.K. who, when he retired at about 50 years of age, became a probation officer. It was a good human interest documentary, and I think that many people in that area could be used, that is, retired naval officers and army officers. Of course, you would have to choose them carefully.

Mr. ALLMAND: There is a debate going on in the other place about those people right now.

Mrs. NICKELS: May I tell you a system we came across in Australia, the Citizenry Rehabilitation System? This system has spread quite widely in Australia. When people come out of prison, or are about to come out, there is a paid official welfare worker who recruits members of the community, not in one place but in an area, who are willing to stand as sponsors to those prisoners.

The prisoner may request a sponsor or request to consult a sponsor in case of problems. The sponsor does not take money out of his pocket. He does not do anything official in the legal sense, but he is prepared to be consulted in a moment of crisis—domestic, financial or a working crisis. This system has become a very useful way of making an ex-prisoner pause before going back into crime. I think that this is another trend towards community involvement in the return of the prisoner to the very society of which he once formed a part.

You were asking my husband about probation and after care and that sort of thing; as part of the rehabilitative scheme of Australia today, this is a very effective way of stabilizing a person in his moment of instability.

Co-CHAIRMAN (*Mr. Watson*): Thank you. Reverend Nickels, with your experience of counselling prisoners of all ages, what would be your reaction to certain selected members of an outfit like the Company of Young Canadians being capable of providing probation officers services to first term or one term prisoners? Do you think this is an over-idealistic point of view, or do you think that this might be possible for some member of the Company of Young Canadians, say in the 25 to 30 year old range? What is your reaction to this?

Padre NICKELS: They could certainly be used if they were carefully selected. They would have to have an aptitude for the work; that is important. But for myself I would prefer that people who do probation work have a good deal of experience in life, not just text book knowledge, because I think that they are often able to be wise elder brothers.

Co-CHAIRMAN (*Mr. Watson*): On the classification in the Kingston prison, is it your feeling that the classification system we have in Canada is adequate?

Padre NICKELS: You cannot say that it is a complete one, because one difficulty that I find is that, like the probation officer outside, the classification officer has such a case load of people to see that he is overworked. He has to write his reports. It is not my department, but I have been told by many of them that they have to write their reports, they are busy interviewing, and they have far too many people to see. I would say they require many more classification officers. They also need to have smaller units.

Co-CHAIRMAN (*Mr. Watson*): You would favour an increase in the number of classifications of prisoners, I take it?

Padre NICKELS: That prisoners should be classified, you mean?

Co-CHAIRMAN (*Mr. Watson*): Would you approve of more different classifications, more sections to put them in?

Padre NICKELS: Indeed I would, most certainly.

Co-CHAIRMAN (*Mr. Watson*): How many are there in Kingston at the moment, can you tell us?

Padre NICKELS: There are very few; perhaps Dr. Scott knows.

Dr. SCOTT: There is no division at all.

Padre NICKELS: It is a very difficult situation to deal with. The building is 130 years old or more.

Co-CHAIRMAN (*Mr. Watson*): Thank you very much, Reverend Nickels.

Dr. Scott, I am going to ask you the same question I asked Reverend Nickels about this therapeutic approach that worked very well when you worked with a psychiatrist and a social worker in the women's prison. Without going into personalities, do you feel it was the most effective way of dealing with the type of prisoners we have had in the women's prison at Kingston?

Dr. SCOTT: Yes, this approach was to my mind very effective in that it brought about a very intense relationship which did most good to the female inmate. Mind you, you have to consider the treatment team; you get one male, a young mature woman and an older mature woman. The female inmate has her own problems perhaps with a younger man, perhaps with an older man or perhaps with her mother. In this combined group she found somebody with whom she was in harmony, and whom she could approach afterwards. Perhaps a treatment session would last three hours every three weeks. She would see each one of us for one hour. The individual would get a lot of insight and a lot of understanding.

Co-CHAIRMAN (*Mr. Watson*): The present situation in the prison where there is not a psychologist or social worker to work in combination with you needs to be remedied?

Dr. SCOTT: I think the department is doing its best. I was talking to the man in charge of psychologists and social workers a few days ago, and he is doing his best to fill the ranks capably right now. I don't think this is anything that is not known because these bodies are needed. I should explain that in prison we call people bodies, and these are really needed and every effort is being made to find them.

Co-CHAIRMAN (*Mr. Watson*): Was this team made up of three, the psychiatrist, the social worker and yourself, adequate to handle the 80 to 125 persons you had in Kingston?

Dr. SCOTT: No, it was not adequate, but one did as good a job as one could with the most likely inmates. These will be people who had shown some attempts at improvement and who had shown some cooperation.

Co-CHAIRMAN (*Mr. Watson*): How many people do you think you would need to do a completely adequate job?

Dr. SCOTT: I think if we doubled the number. Of course if you overdo the therapeutic aspect of it you can be taken advantage of because people can get to you too easily. You have to establish a proper limit. There can be too many psychiatrists. I know members of this committee will not agree with me but sometimes you can overservice and you will lose your impact. It is like a person getting something for which he does not pay—it ceases to have any value.

Co-CHAIRMAN (*Mr. Watson*): Would you adopt this therapeutic approach to any percentage of the male population of Kingston?

Dr. SCOTT: No, I wouldn't. The female inmate is different. Drug addicts form the bulk of the people we treated. They are not criminals in the common meaning of the term; they are really sick people.

Co-CHAIRMAN (*Mr. Watson*): Are you familiar, Dr. Scott, with this special detention unit that has been built near St. Vincent de Paul?

Dr. SCOTT: I have not seen it, but I am familiar with the principle thereof.

Mr. WINCH: "Abandon hope all ye who enter therein."

Co-CHAIRMAN (*Mr. Watson*): The question I would like to ask you concerns the lighting available in the cells. There are no windows in these cells; the only light comes through a small window in the roof. Is there sufficient medical knowledge at the moment, for you to be able to state one way or another, whether this light deprivation would mentally affect the prisoners who are in these cells?

Mr. WINCH: Four walls, unable to see the sky outside.

Dr. SCOTT: We have been saying something that has been known for millions of years, that man likes light and when it is dark he goes to sleep.

Mr. ALLMAND: There is an electric light. It is daylight we are talking about.

Dr. SCOTT: We are going to get on a thorny issue, but no one knows why windows are any use. Why does looking outside at nature make me feel better? There is no logical explanation. There is something our minds have not yet understood. There we look at them, four big drapes over four big windows. I am not making ridiculous points, but I do not understand myself clearly the importance of daylight. Light is one thing, and this is why the department has authorized an expenditure of a considerable amount of money to investigate sensory input—which has to do with light, sound and other sensory factors—which affects an inmate, and at Kingston Penitentiary in the next eight months there is a very involved and very important experiment which is just taking place which will give us clues to these points, whether or not too much light affects the physiology and whether or not not enough does.

Mr. WINCH: Where you have a situation—even if we do not understand it—inside where it is absolutely impossible to see outside, or to see the sky, where we have the type of people we have in prisons that you have to deal with, do you think this would initiate or aggravate claustrophobia?

Dr. SCOTT: Generally speaking, an individual who is hostile being locked up in a small room is going to aggravate some feeling of anxiety. The point remains, whether or not we want to deal with psychological techniques, there are some individuals who are so hostile, angry and dangerous that their liberties have to be curtailed tremendously.

The same thing holds true with two schools in Sault Ste. Marie, where they have no windows whatsoever; it is all artificial light. This is two high schools. Is anybody here from Sault Ste. Marie?

Mr. ALLMAND: I believe they are allowed out each day to walk in the yard.

Mr. WINCH: Twenty minutes each day.

Dr. SCOTT: I have never felt this S.D.U., or whatever it is, is going to really make any inmate sick. I know we have psychiatric opinions to the contrary, but I think that for certain types of inmate, they have to have certain types of treatment and there may be some difficulties with that. I have not seen this unit at all.

Co-CHAIRMAN (*Mr. Watson*): Doctor, as explained to me when I visited there about three weeks ago, the prisoners who will be put in here will go through four stages. They will work their way up to better privileges through these four stages. Now, do you feel as a psychiatrist that somebody who goes in there—

Co-CHAIRMAN (*Senator Benidickson*): Are you speaking of Montreal?

Co-CHAIRMAN (*Mr. Watson*): Yes.

Co-CHAIRMAN (*Senator Benidickson*): Which Dr. Scott has not seen.

Co-CHAIRMAN (*Mr. Watson*): Well, do you feel that a prisoner put in a cell without light, except artificial light, and kept there with, I think, half an hour's exit during the day, would have a chance to move towards the next stage in that special detention unit? Would he be mentally capable of moving ahead? Is it your opinion that he would?

Dr. SCOTT: Yes.

Co-CHAIRMAN (*Mr. Watson*): It is?

Dr. SCOTT: Yes, because his motivation, after all, is the sole reason for staying alive. If he wants to get out of the dark room then he will.

Co-CHAIRMAN (*Mr. Watson*): So you think this may actually be a useful type of cell to have for this type of prisoner?

Dr. SCOTT: I think it is. You see, here is the point I made in my preface, namely, that it is just as important to find out if something is wrong as to find out if something is right. We can conjecture on whether windows are bad, and so on, but here we have a unit that is going to function for a year or so, after which we can tell. It is true that some thousands of dollars will be spent, but I think the law of averages says that it will prove all right.

Co-CHAIRMAN (*Mr. Watson*): Do you have some suggestions about improvement in the classification system at Kingston?

Dr. SCOTT: I certainly have, but they are very innocent recommendations. The classification officers are devoted. They are hard working. They are doing a tremendously good job. They work cases up as good as you have them worked up in general hospital. They are very sincere about their approach to the inmates. They know their inmates well. But, they have a big work load. If I could recommend anything I would say double the number of classification officers, increase their pay a little bit, and give some of them the privilege of taking courses here and there. I think this would be great, because the classification officer is the hub of the whole show, really.

Co-CHAIRMAN (*Mr. Watson*): Are you aware of how these men are hired at the moment?

Dr. SCOTT: No, I am not, but I do know—I was interested not more than a week ago in a person who did not have a B.A. degree but who had two years in pharmacy and one year at university. He had worked in a plant for two years. I was wondering whether or not he would be a suitable person for the classification department. At this time I think the standards require a B.A. degree, which is good, but on the other hand it seems to me that there could be the grade of Assistant Classification Officer who could have half of a B.A. degree. In other words, if there is a sufficiently large body of sincere, devoted people who are adequately paid then they will do a good job. At K.P. particularly the classification people are doing a good job.

Co-CHAIRMAN (*Mr. Watson*): You feel that the right approach is being used in the hiring of these people, but we are not getting enough of them?

Dr. SCOTT: Yes.

Co-CHAIRMAN (*Mr. Watson*): What suggestions do you have for improvement in our probation system and our parole system.

Dr. SCOTT: This is most difficult. It is very easy to say: "Let us change the whole social status. Let us change our social responsibilities", and so on, but to my mind the Parole Board is doing a tremendously adequate job. But, I have a strange philosophy that it is better to have a man on parole and have him come back, than it is to have him out on parole and stay out. The adequacy of the

parole system should be judged on its failures and not on its successes. You may think that that is a paradox, but if you let a man out and then have to bring him back then you have given him a chance, and you know how he will respond.

I think it is very important to give the parole officers carte blanche, and as with the classification officers I do not think it is necessary that they should be at the B.A. level. As the Padre has said, there are many capable people. Whether a man is 60 years of age and has come up from driving a transport, or whether he has been a police officer, does not matter if he is a sensible man with a human approach to people. These people can be good probation officers.

I will tell you a point, not to belabour your meeting; but in Baltimore a colleague of mine, Bruce Sloane, had a problem with social workers. In his community there were 200,000 people in a coloured area. So he set his two social workers visiting block by block and to find at each block a number of people who were interested in helping. So he got what you might call social constables, perhaps three in each block, and he soon set up a whole body of unpaid people who were trouble-shooters. The parole system depends on that sort of thing. Do-gooders are worse than no-gooders at all. It takes a practical man, a guy who works hard and wants to help people. It takes the Rotarian who does not give out popsicles but goes out and does something important. The breadth of the parole system can be seeped down from the commanders and generals down to the private, who knows this guy and wants to help him.

Co-CHAIRMAN (*Mr. Watson*): Would you think it possible, if properly selected, you could get the Company of Young Canadians to serve?

Dr. SCOTT: I do not know what they are, I am not well read in that area, but I think it needs maturity, humility and the type of man who knows what it means to have made a mistake and who says, "But for the grace of God, there go I."

Padre NICKELS: And for heaven's sake mind the bible punchers.

Co-CHAIRMAN (*Mr. Watson*): One further question on parole. At the moment the prisoner is not allowed out on parole unless he has served a third of his term. Do you think this should be changed?

Dr. SCOTT: I do, but not in every case, and in certain cases it is right that it should be so.

Co-CHAIRMAN (*Mr. Watson*): One final thing. When you criticized the visit of this committee to Kingston I thought you included in your criticism a statement that people who are not familiar with this particular area should not be concerning themselves with it. Did you imply that or not?

Dr. SCOTT: I think I meant that. I think that there was something in that way. You see, we can be thrown into something we don't like because we are hostile to it, and then we don't see it properly and objectively. There might be a parliamentarian who has a particular axe to grind. You have to take it slowly, easily and objectively. I am in favour and happy when members of Parliament come to visit our institution, because they can talk to people.

Mr. WINCH: The trouble is a lot of them don't do it.

Co-CHAIRMAN (*Mr. Watson*): I took slight exception because the first visit the committee made to the penitentiary was called nauseating.

Dr. SCOTT: It was too rushed. I use strong words sometimes, but it was not right.

CO-CHAIRMAN (*Senator Benidickson*): I am sorry you had that impression, because it is hard to meet people on one visit. We mentioned we would come again. But it is hard to keep people all day on this type of thing. I express for all members of the committee, Dr. Scott, tremendous appreciation for what you said when you sat on that table and lectured us for about half an hour; it was most fascinating.

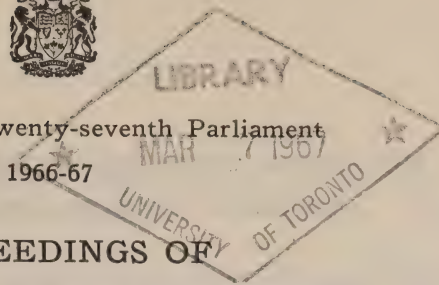
CO-CHAIRMAN (*Mr. Watson*): You are here as a result of that nauseating visit, Dr. Scott.

The committee adjourned.



First Session—Twenty-seventh Parliament

1966-67



PROCEEDINGS OF
THE SPECIAL JOINT COMMITTEE OF THE SENATE
AND HOUSE OF COMMONS ON
PENITENTIARIES

No. 5

MONDAY, FEBRUARY 13th, 1967

JOINT CHAIRMEN

The Honourable Senator W. M. Benidickson, P.C.

and

Ian Watson, M.P.

WITNESSES:

The Canadian Corrections Association: Magistrate E. W. Kenrick, Haileybury, Ontario; Professor Justin Ciale, Department of Criminology, University of Montreal; Professor J. V. Fornataro, School of Social Work, University of British Columbia; A. M. Kirkpatrick, Executive Director, John Howard Society of Ontario; H. B. Kohl, Architect, Toronto; W. T. McGrath, Executive Secretary, Canadian Corrections Association; *Queen's University:* G. J. S. Wilde, Ph.D., Department of Psychology; N. L. Freedman, Ph.D., Department of Psychology.

APPENDIX:

No. 2: Brief submitted by the Canadian Corrections Association

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

THE SPECIAL JOINT COMMITTEE OF THE SENATE AND
HOUSE OF COMMONS ON PENITENTIARIES

Joint Chairmen

The Honourable Senator W. M. Benidickson, P.C.

and

Ian Watson, M.P.

The Honourable Senators

Benidickson,
Cameron,
Deschatelets,
Fergusson,
Fournier (*Madawaska-
Restigouche*),

Inman,
Irvine,
O'Leary (*Carleton*),
Prowse,

Messrs.

Aiken,
Allmand,
Dionne,
Fulton,
Lachance,
Matheson,
McQuaid,
Prud'homme,

Ricard,
Rochon,
Stafford,
Tolmie,
Watson (*Châteauguay-
Huntingdon-Laprairie*),
Winch,
Woolliams.

(Quorum 10)

ORDER OF REFERENCE

(House of Commons)

Extract from the Votes and Proceedings of the House of Commons, Tuesday, March 15, 1966.

Mr. Pennell, seconded by Mr. McIlraith, moved,—That a joint committee of the Senate and House of Commons be appointed to consider the state of penitentiaries under the control of the Government of Canada and the plans of the Government in relation thereto with powers to report from time to time its observations and opinions thereon; send for persons, papers and records; adjourn from place to place; sit during sittings of the House; and print from day to day such papers and evidence as may be ordered by the committee, and that Standing Order 66 be suspended in relation thereto;

That 15 Members of the House of Commons, to be designated at a later date, act on behalf of the House as Members of the said committee; and

That a message be sent to the Senate requesting that House to unite with this House for the above purpose, and to select, if the Senate deem advisable, some of their Members to act on the proposed joint committee.

After debate thereon, the question being put on the said motion it was agreed to.

Extract from the Votes and Proceedings of the House of Commons, Tuesday, March 22, 1966.

On motion of Mr. Pilon, seconded by Mr. McNulty, it was ordered,—That a Message be sent to the Senate to acquaint Their Honours that this House will unite with them in the formation of a Joint Committee of both Houses to consider the state of Penitentiaries under the control of the Government of Canada and that the Members to serve on the said Committee, on the part of this House, will be as follows: Messrs. Aiken, Allmand, Dionne, Fulton, Lachance, Macdonald (Rosedale), Matheson, McQuaid, Prud'homme, Ricard, Stafford, Tolmie, Watson (Châteauguay-Huntingdon-Laprairie), Winch and Woolliams.

LÉON-J. RAYMOND,
Clerk of the House of Commons.

ORDER OF REFERENCE

(Senate)

Extract from the Minutes and Proceedings of the Senate, Wednesday, March 23, 1966.

Pursuant to the Order of the Day, the Senate proceeded to the consideration of the Message from the House of Commons requesting the appointment of a Special Joint Committee of the Senate and House of Commons on Penitentiaries.

The Honourable Senator Connolly, P.C., moved, seconded by the Honourable Senator Hugessen:

That the Senate do unite with the House of Commons in the appointment of a Joint Committee of both Houses of Parliament to consider the state of penitentiaries under the control of the Government of Canada and the plans of the Government in relation thereto, and to report from time to time its observations and opinions thereon;

That nine Members of the Senate, to be designated at a later date, act on behalf of the Senate as members of the said Joint Committee;

That the Joint Committee have power to send for persons, papers and records; to adjourn from place to place; to sit during sittings and adjournments of the Senate; to print from day to day such papers and evidence as may be ordered by the Joint Committee; and

That a Message be sent to the House of Commons to inform that House accordingly.

The question being put on the motion, it was—
Resolved in the affirmative.

Extract from the Minutes and Proceedings of the Senate, Tuesday, March 29, 1966.

With leave of the Senate,

The Honourable Senator Beaubien (*Provencher*) moved, seconded by the Honourable Senator Macdonald (*Cape Breton*):

That the following Senators be appointed to act on behalf of the Senate on the Joint Committee of the Senate and House of Commons to consider the state of penitentiaries under the control of the Government of Canada and the plans of the Government in relation thereto namely, the Honourable Senators Benidickson, Cameron, Fergusson, Fournier (*Madawaska-Restigouche*), Gouin, Inman, Irvine, O'Leary (*Carleton*), and Prowse; and

That a Message be sent to the House of Commons to inform that House accordingly.

The question being put on the motion, it was—
Resolved in the affirmative.

J. F. MACNEILL,
Clerk of the Senate.

MINUTES OF PROCEEDINGS

MONDAY, February 13, 1967.

Pursuant to adjournment and notice, the Special Joint Committee of the Senate and House of Commons on Penitentiaries met this day at 3:30 P.M.

Present: For the Senate: The Honourable Senators Benidickson (*Joint Chairman*), Cameron, Fergusson, Inman, Irvine and Prowse—6.

For the House of Commons: Messrs. Watson (*Joint Chairman*) (*Château-guay-Huntingdon-Laprairie*), Allmand, Dionne, Tolmie and Winch—5.

In attendance: Professor Ronald R. Price, Special Assistant.

The following witnesses were heard:

The Canadian Corrections Association:

Magistrate E. W. Kenrick, Haileybury, Ontario.

Professor Justin Ciale, Department of Criminology, University of Montreal.

Professor J. V. Fornataro, School of Social Work, University of British Columbia.

A. M. Kirkpatrick, Executive Director, John Howard Society of Ontario.

H. B. Kohl, Architect, Toronto.

W. T. McGrath, Executive Secretary, Canadian Corrections Association.

At 6:50 P.M. the Committee adjourned.

At 8:00 P.M. the Committee resumed.

Present: For the Senate: The Honourable Senators Benidickson (*Joint Chairman*), Cameron, Fergusson, Inman, Irvine, and Prowse—6.

For the House of Commons: Messrs. Watson (*Joint Chairman*) (*Château-guay-Huntingdon-Laprairie*), Allmand, Tolmie and Winch—4.

In attendance: Professor Ronald R. Price, Special Assistant.

The members of the Canadian Corrections Association were questioned further.

The following witnesses were also heard:

G. J. S. Wilde, Ph.D., Department of Psychology,
Queen's University, Kingston.

N. L. Freedman, Ph.D., Department of Psychology,
Queen's University, Kingston.

Mr. Allmand, seconded by Mr. Tolmie, moved that the quorum of the Committee be reduced to seven (7) members provided that both Houses are represented.

The question being put on the said motion, the Committee divided as follows: YEAS—3 NAYS—5

The motion was declared lost.

The brief submitted by the Canadian Corrections Association is printed as Appendix No. 2 to the proceedings.

9:55 P.M. The Committee adjourned to the call of the Joint Chairmen.

Attest.

Patrick J. Savoie,
Clerk of the Committee.

THE SENATE

SPECIAL JOINT COMMITTEE OF THE SENATE AND HOUSE OF COMMONS ON PENITENTIARIES

EVIDENCE

OTTAWA, Monday, February 13, 1967.

The Special Joint Committee of the Senate and House of Commons on Penitentiaries met this day at 3.30 p.m.

Senator William Benidickson, P.C., and Mr. Ian Watson (*Châteauguay-Huntingdon-Laprairie*), Co-Chairmen.

Co-CHAIRMAN (*Senator Benidickson*): Senators, colleagues, ladies and gentlemen; we are starting reasonably in time this afternoon knowing that the House of Commons has its active time between 2.30 and 3.30 p.m. As arranged by the steering committee we have a number of witnesses. The first witnesses are members of the Canadian Corrections Association. Their spokesman this afternoon will be Magistrate Kenrick. And I will now ask him to introduce his brief.

Magistrate E. W. Kenrick, Haileybury, Ont.: Mr. Chairman, mesdames senators, ladies and gentlemen, as chairman of the Association it is my pleasure to speak to you today for the Canadian Corrections Association.

Senator CAMERON: Mr. Chairman, could we have the speaker's credentials to refresh our minds.

The Co-CHAIRMAN (*Senator Benidickson*): Magistrate Kenrick, will you recite your background and interest in corrections?

Magistrate KENRICK: I proposed giving a complete list. I am a magistrate, and a Juvenile and Family Court judge. I have been sitting on the Bench for approximately fifteen years in Haileybury, Ontario, and in the District of Temiskaming.

Ten years ago at the Congress of Corrections in Montreal the learned and distinguished penologist and jurist, Dr. Hermann Mannheim in looking at Canada's treatment of the offender both within and outside the Courts devoted his full time as keynote speaker to "Teamwork in Corrections". He stressed the continued need for coordination of effort by the legislator, by the administrator, and by the jurist, and he included with those three all those interested in the welfare of the offender and of society.

The parliamentary and jurist in their treatment of the offender by statute or by sentence are no longer, as we know, in ivory towered isolation, but recognize the almost dramatic development that has occurred in the administrative services, the penologist, the sociologist, the psychiatrist, the psychologist and the probation officer, and all those in the field of the behavioural sciences—far too many for me to mention here today. Today it is most encouraging to all of us and most challenging to have the opportunity to speak as members of our correctional processes to members of our parliament.

Our interest, just as yours, is not merely an interest in cold steel and bricks and mortar, but an interest to carry out in tune with modern correctional philosophy a more humane treatment and more effective treatment and more

just treatment of the offender around whom we build our walls. This is a program that is also coldly practical and consistent with modern correctional processes.

In speaking to you we hope we speak to our parliament, to our people and we come to you with common interest and humility to serve those people as Canadians whether at law we recognize them as saints or sinners or as criminals or non-criminals.

Our interest in prisons has not been cultivated haphazardly or selfishly, or as spontaneous "do-gooders" working in the upper atmosphere of penal reform. We speak, as do you, with the hope that we may all, in philosophy, in principle and in practice, combine our efforts to assure more humane, just and equitable treatment of the offender and protection to society.

Our delegation before you has in its membership many who at our Congress 10 years ago made an assessment of Canada's penal system, and recognized the parliamentarian as one of the key members of the correctional team.

The members of this team—and I would like to refer to them briefly—are: Mr. John Fornataro, on my left, has his Master's degree in social work. He was treatment supervisor at the Regina jail for four years, and director of Corrections in Saskatchewan for six years, during which time there was transition from the custodial lock-up system to the modern correctional programming. He is a Professor in the School of Social Work at U.B.C. He has been there for ten years, and during that time he spent two years in Japan as a technical adviser at the Far Eastern Institute to train senior key officers in correction. He has visited and given study to prisons throughout Canada and in Japan.

Mr. Justin Ciale, on my right, was a psychologist at the St. Vincent de Paul institution for five years. He has worked for S.O.R.S., and after-Care agency, in Montreal for two years. He has been at the University of Montreal for four years, in the Department of Criminology, and lectures in penology. He has visited and given study to institutes in France, Italy, Germany and the provinces of Canada, and has completed an extensive study for the Committee for improvement of Bordeaux jail.

Mr. A. M. Kirkpatrick, one of our senior citizens, we feel, in corrections, is immediately on the senator's left. He has his Master's degree in social work from the University of Chicago. He has been the director of the John Howard Society, Ontario, for 14 years, and has worked with delinquent boys in Chicago's west side and in Winnipeg. He has visited prisons in most European countries and has given study to prison correction treatment in some iron curtain countries, including Russia and Yugoslavia. He has also visited and given study to institutes in the Middle East, Egypt and Israel. He has been consultant by appointment of the then Minister of Justice, the Hon. Mr. Guy Favreau, to the Committee on Corrections; and, much to his credit, he has spent six years in the Royal Canadian Navy.

Mr. W. T. McGrath, on my right, is Executive Secretary of the Canadian Corrections Association and a member and secretary of the Canadian Committee on Corrections, and has worked extensively in the correctional field.

Mr. Harry Kohl is a member of the Royal Architectural Institute of Canada. He designed the prototype of the new regional detention centres in Ontario, as consultant architect to the committee. He is designing a regional detention centre in the Province of Ontario at Napanee, and is designing a minimum security institute for Winnipeg. He has consulted with members of the C.P.S.—

Mr. HARRY KOHL: It is not Winnipeg; it is Ontario.

Magistrate KENRICK: Napanee, Ontario, I am sorry. He has consulted with members of the C.P.S., as directed by Mr. MacLeod, and has consulted with people charged with corrections in the Province of Quebec, Manitoba, British Columbia and Ontario. He has consulted with Merle Alexander, the director of

the Federal Bureau of Prisons in the United States, and two firms of American architects who have designed some 13 prisons; the architectural division of prisons in the State of California, and other institutions. In each instance the C.P.S. maximum security unit was looked upon unfavourably and as bad in design.

Co-CHAIRMAN (*Senator Benidickson*): Starting from what time?

Magistrate KENRICK: When he started these studies?

Co-CHAIRMAN (*Senator Benidickson*): No, complaints starting from what time?

Mr. WINCH: On the maximum security.

Magistrate KENRICK: I do not understand your question.

Co-CHAIRMAN (*Senator Benidickson*): I am sorry. Your complaints started from what time, on the maximum security institutions?

Mr. WINCH: The new maximum security type institution.

Co-CHAIRMAN (*Senator Benidickson*): Architecturally?

Magistrate KENRICK: On November 1, 1964, at a liaison meeting of the Canadian Corrections Association with the Minister of Justice—then the Honourable Mr. Favreau—we expressed reservations on the size and design of maximum security institutes, and suggested delay until the Canadian Committee on Corrections could give consideration to this matter. That was on November 14, 1964.

Mr. WINCH: Could I ask as to whether or not you are going to make a straight presentation after, which we can ask questions on?

Co-CHAIRMAN (*Senator Benidickson*): I was going to say the same thing, Mr. Winch. I think it is preferable to allow the witness to go ahead, and that we make notes on the questions we might raise later. I think I did the wrong thing.

Magistrate KENRICK: Thank you.

Mr. WINCH: Are there any copies of any briefs?

Magistrate KENRICK: Yes, and we will hold them to the point.

Following this representation in November, 1964, on March 12, 1965—although the minister himself was not present but was represented by Mr. Letendre—the liaison committee met again with the committee of the minister, and the members repeated their request that this maximum security institute be delayed until examined by the Canadian Committee on Corrections. We suggested use of LeClair and Joyceville as maximum security institutes.

The day prior to that we had met with Mr. MacLeod and Mr. Simpson of the Penitentiary Service, and they explained and showed us the proposed plans and the proposed development of these plans.

In May of 1965 we asked that the maximum security institutions be brought before your parliamentary committee for consideration. At this time this request was made by a telegram directed to the Honourable Guy Favreau, Minister of Justice, in which we set out:

Having seen the plans of the new federal penitentiaries under construction or proposed for the future the Canadian Corrections Association feels obliged to express its serious concern to the Minister of Justice. These structures appear to have been developed without regard to the stated program objectives of the penitentiary service and we therefore request that the design for the maximum security institutions be placed before the proposed parliamentary committee for thorough examination and that no new units be contracted for or constructed until such examination has taken place.

That was on May 10, 1965, and the same telegram included a suggestion with reference to the special detention units.

Further, on March 18, 1966 the Canadian Corrections Association, co-ordinating a group of associations in the correctional area throughout Canada, presented a paper to the Solicitor General regarding the federal penitentiaries service building program. Copies of that memorandum are available for passing around.

After expressing approval as to the medium security units and other areas in this development program we said, with respect to maximum security units:

Unfortunately, the same approval cannot be given to the maximum security units. We strongly urge a reconsideration of the present design of these institutions on the grounds that in a large single unit of this nature an atmosphere of security will dominate and segregation beyond mere physical separation of prisoners will be impossible. Also, the design is unadaptable and cannot be modified to meet changing conditions in later years. Flexibility in custodial control should not be confused with adaptability to treatment programming. Furthermore, the present maximum security unit designs separating the staff from the inmates accentuates unnecessarily the cleavage existing between them.

We were pleased that these matters were referred to the Ouimet Committee, to the Canadian Committee on Corrections—and we understand that this committee has made representations to the Minister which we trust are to some extent in line with the representations being made by the Canadian Corrections Association.

We suggested that your special detention units be abandoned in the proposed concept. We are grateful to the Department of Justice, and to the Department of the Solicitor General, that steps have been taken to curtail these units. It is evident today that with a proposed capital expenditure of from \$80 million to \$100 million Canada is undertaking an overhaul of its penal system that will permit us to maintain a place among the world leaders in penology.

We recognize the need for expanded facilities in the penitentiary service. We are pleased to see the committees progress with the regional reception and classification units, and with a new women's prison, and we were most pleased that the Solicitor General, the Honourable Mr. Pennell, requested that members of the Canadian Corrections Association sit in as observers at the meetings of both of these committees.

We appreciate that medical and psychiatric units will be given high priority. We appreciate that the design of the medium security units is flexible, and we feel that these units will help reduce over-crowding in the present maximum security units.

We appreciate and highly recommend the development of a standard minimum security unit, and recognize and commend the establishment of pre-release centres, and the high priority they are now given.

We are critical though—most critical—of the present plans for the maximum security units but, of course, we recognize the present need, and our criticism, we trust, is constructive and practical.

I introduced myself a few minutes ago at your request, Mr. Chairman, as a magistrate. I have no apologies to make, as a magistrate, in appearing before you in this particular area of work. As you are probably aware, the magistracy, the junior bench in the Dominion of Canada, sentences 95 per cent of all people who enter your prisons and institutions.

Ten or 11 years ago—a few years ago—the Archambault Report, prior to the Fauteux Report, gave directives to the Bench. It suggested among other things that we examine into the prisons to which we sent people. Many of us have been in these prisons and institutions. It is suggested that we work with the people in the correctional field, and I must confess that when I began working with the

people in the correctional field I did not appreciate that I perhaps some day would be one of them, and representing them here at this particular meeting.

They suggested we adopt different techniques and modern correctional philosophies in the treatment of the people who came before the courts. The behavioural sciences projected to us and gave us the probation service, for instance, that permits the treatment of some 15,000 people a year in the Province of Ontario alone. The behavioural sciences created clinics—alcoholic and forensic clinics and drug addiction clinics—and the mental health area has taken on a new meaning to many people who appear for sentence before us in the courts.

In other words, as a magistrate—as a member of the judiciary—we found that we had become one of this team, and that in sentencing any individual who appears before us we are now using techniques that 15 or 20 years ago were not available to the courts at all. The case history, the pre-sentence report and the individual approach to the offender, did not exist in most parts of Canada. Our clinics did not exist. Our research in the mental health areas was not nearly as expansive or as complete as it is today.

I will be brief. We find that the courts are now developing a movement from the old classical punitive system, and are developing the correctional approach. We are in a transitional stage. I think the penal institutions are in a transitional stage and are moving away from the custodial philosophy to the correctional and treatment philosophy.

I am going to ask Mr. Kohl, whom I have introduced, to speak to you at this point. We have taken some exceptions to the maximum security institution. I am going to ask Mr. Kohl if he would now outline briefly the points that we wish to bring before you.

Co-CHAIRMAN (*Senator Benidickson*): Unless the members of the committee want to discuss the magistrates' brief at this point I think that perhaps we can proceed to hear from Mr. Kohl. Is that satisfactory to the committee?

MEMBERS OF THE COMMITTEE: Agreed.

Mr. Harry Bernard Kohl: Mr. Chairman, and members of the committee, I find that I am very much like this microphone in that what I have been doing for the last little while is simultaneously translating blueprints and architectural elements to people in judgment and who cannot read blueprints. In that respect I will be prepared to explain anything in detail that I necessarily set out briefly at this time.

In my opinion the C.P.S. design—which is the way I will describe the Canadian Penitentiary Service design, and with which you are familiar—is unsatisfactory because it does not provide the accommodation and/or the facilities and/or the ability to fulfil the philosophy that they, the Canadian Penitentiary Service, have set out in their ten-year plan, particularly as itemized in the interim paper attached thereto.

The drawings of the building which are being used at Ste. Anne des Plaines are different fundamentally from the statement made attached to the ten-year plan upon which the building received its initial government approval.

An examination of the building when it is complete will make it easy for those who are not architects to find out that what I am saying is so.

I will attempt to give my explanation in the simplest terms without using any technological phrases. For example, the interim paper describes segregation as a significant premise upon which the design is based. Without discussing the need for or the purpose of segregation, I wish it to be known to you that the only place where segregation will take place will be in the disassociation or segregation cells, except when the men go to sleep in their individual cells. Segregation is defined by the Shorter Webster dictionary in a way we are all familiar with. Therefore if the men on having had their breakfast leave their cells to go to

various places for education or occupation or treatment they will not be moved to those places in groups by cell blocks, I am informed, by the Canadian Penitentiary Service, but they will be moved in groups that are particularly related to the function they are going to. Therefore one man in one cell block can be working beside another man from another cell block. One chap in one cell block can go visiting the auditorium beside another man from another cell block. So that if the suggestion that the design is created as it is for purposes of segregation, then let it be clearly understood that segregation per se will not work; and I do not debate the need or lack of need for it now.

Secondly, the inmate population in this institution as designed is too large for effective correctional procedure. The inmate population of 450, or now 432, I believe—and I was just recently made aware of the change—is such that in order to comply with another of the premises of the design, namely the control of inmate movement, causes the design to take on such a complex physical form that the pressure of this control through this complexity will be such as to vitiate the effect of the correctional treatment procedure.

The emphasis on control of the movement which at the same time is supposed to relate, according to the program, to recreational treatment and work facilities is such that it is difficult for any architect to reconcile these two characteristics. The end result is, neither will work.

A reduction in the population of something considerably more than 20 or 30 would permit for the elimination, for example, of staircases by providing a one-storey penal institution, and I am advised by senior Canadian Penitentiary Service personnel that the worst thing in an institution is a staircase. This design has twelve sets of stairs for the inmates to move in and out of. A reduction of the population would not only permit for the elimination of the second floor but it would also permit for less building being done, therefore, and easier arrangement of the functions so that the relationship between them need not be so complex in order to maintain proper control of movement.

Thirdly, the inmate training spaces are badly located. Although the interim paper of the ten-year plan states—and I have it with me, sir, if you want me to read it in context, but I believe you have it available, and to be able to save time I will just sum up.

Co-CHAIRMAN (*Senator Benidickson*): Just refer to what you have there. Give me the quotation for the record, then you will not have to recite it.

Mr. KOHL: The interim paper attached to the ten-year plan states as one of its premises—and in detail, you can find it, but I will sum it up briefly for the purpose of this meeting—that inmate training spaces other than the shops or industries should be located close to the cell units in order to reduce inmate travel. An examination of the plan that is being used for the construction of Ste. Anne des Plaines will show you very clearly that the facilities referred to as training spaces, other than workshops, are either in the special handling building or as set out in the same building as the workshops. These two portions of the project are as far apart as you can get without leaving the building; they are at extreme opposite ends; and therefore the statement of the interim paper about bringing training spaces close to the cells could not be more contradicted unless you move them out of the building.

The interim paper that I referred to before makes a point about the necessity for multi-purpose rooms. A fine statement. Incidentally, there is almost nothing in the interim paper that I could find which felt that. The statement in words is fine. The drawing is not the statement in words. For example, this statement says there shall be multi-purpose rooms. This is a fine idea, because the correctional philosophy and the science of correction is a rapidly continuing, developing science.

People are not at all sure what should be done at all times with all people. Therefore, a margin of safety should be built into an institution, a room without a name, a room to accommodate some function that will go on, as the paper says, close to the inmate cells. There are no such rooms in this plan.

The only multi-purpose room is the day room attached to the cells. It is a day room, otherwise known to some of us as a common room, where an inmate can spend his time when he is not working and when he is not part of an organized program, otherwise like your den or my den or my playroom. He can write a letter, listen to the radio, read a book.

The day room is the only multi-purpose room, it is going to be used as a day room, as a dining room and as a class room.

If you put all the furniture for these purposes in this day room, there would be no place, no room for people.

A class room, all of you must know, is indeed a physical, scientific environment. There is a blackboard, a tack board, a project bench, writing desks, closets. You cannot put all these away when you want to make it into a dining room, you cannot put them all away and move a soft chair or a bench in to make it a sitting room.

I repeat what the interim paper says, an institution should have a multi-purpose room. They not only do not have any, but they are using a class room, a dining room and a day room as a badly used example of a multi-purpose room.

My next criticism is that the zoning in the design is unworkable.

Whereas the interim statements state very clearly that the various institutional elements should be so related that a whole area can be cut off at a time of day when the program in the area terminates—nevertheless, the C.P.S. design has many elements of similar time use, that is, elements, functional areas, that will be used at precisely the same time, distributed throughout the building. Consequently, no area will be able to be related to a zoning program. Zoning is the planning correctional technical term of an area that is, if you like, timewise, homogeneous. Theoretically, if you have in your house a kitchen, living room, dining room, bedrooms, a family room, a planning room, there might be a time when the kitchen is no longer used, then you could shut off your kitchen and go on with using your living room, dining room and bedrooms.

Then when the youngsters go to bed at night, they go to the bedrooms and you might shut off the youngsters' wing. That is zoning.

An example of this subject is covered in the minutes of the Tuesday meeting, January 24, page 45, in which I think it says: "There will be recreation and study groups as an evening activity for the vast majority of the inmates".

Look at the plan and try to find out where this activity or recreation and study will go on. It will go on in the day room, that is, in all of the housing units; it will go on in the special unit. This is where the auditorium is. It will go on in the work area, because that is where, as has been stated to you, additional training and educational or trade training goes on.

Facilities provided for the day room-cum-dining room-cum-planning room are inadequate. If you think of the shape of a triangle, there will be activities in all three corners of the triangle. Zoning is finished. It is one zone.

Program facilities are inadequate in the design. The program has been defined to you, so I need not define it. Page 44 of these minutes sets out that the program will be the same kind as is carried out in the maximum security institutions.

A study of these plans will show educational, recreational and ancillary facilities. No such facilities similar to the maximum security institution, are provided for in the same manner in the maximum security project, although it

does say that the facilities will have to be qualified to suit the nature of the inmate.

I will certainly be the first one to say that you do not allow a maximum security man in a baseball field with no perimeter security of the sort that we need for maximum security; but it does not mean that we do not provide him with a baseball field.

In this design, there is a large outdoor area, but in this design there is no complex of classroom and library for educational process at all. There is a day room, dining room, common room. Forgive me for repeating this. That point bothers me very much.

The proposed food preparation for this building is impossible. It will not work. If we are talking about feeding people, as one of the ways of developing a state of mind and state of inmate that will permit a rehabilitative process—because they are conditioned, at least through their stomachs, with one satisfaction—then think, if you will, of what their bacon and eggs will taste like when they have been delivered from one institution—I do not know how far, about half a mile—on a day like today, in a truck, then into an industrial area, which is where it goes in, through corridors, into elevators, up elevators and into the day rooms.

Incidentally, one of the points—and I discussed this in full with correctional people in various countries, in the United States, Canada, Great Britain, and particularly I took note of the opinions expressed by the people who run our services here—and one of the things one worries about, and should, is the communication of contraband.

I have coined a little phrase and I would like you to remember it: "The food being delivered from outside the wall, inside the wall will be known one day as the 'three times per day contraband commuter.'" How much more could contraband come into an institution than by having a vehicle come and go six times a day? How much less contraband than by having the food go from the internal kitchen to the internal dining room?

I find no fault with the idea of eating in a day room, under certain circumstances. But, having visited the institutions that have absorbed the worst of Alcatraz and having stood in their dining room and watched them eat, I can tell you, as is the opinion of many Canadian experts in this field who are considered responsible, by the designers of this institution, that the best thing to do is to have a variety of dining accommodation. The warden in charge of the institution then has an opportunity to vary the feeding procedure to suit the behaviour pattern of the inmates. Certainly, if a man gets completely out of line, he has to be in segregation, and eats there. If he is not quite so bad, he will eat in his cell. If he is fairly co-operative, but only with the group he is with, because he gets into trouble with large groups, he eats in his day room.

But, by and large, from 70 to 80 per cent of the men in Kingston and in St. Vincent de Paul today would be able to eat in a central dining room without any major risk, as is occurring in other jurisdictions with the make-up of criminal, recidivist, murder, rape, robbery—as is the case in the federal and state institutions of the United States.

The two that I cite are at Marion, Illinois, Federal, which was designed by the American architectural consultants to the Penitentiary Service who designed this project. This is also the case of the Sommers Connecticut State Penitentiary which was designed by *Litchfield, Lapierre and Associates*, and it has precisely the same set up.

Variation and classification is a point made as a premise of this design. What is the point in appreciating the variety of classification, if other than segregation the housing units are precisely the same? What is the point in going to the

trouble of classifying these men, if the only time you exploit the classification is when they go to the day-room at night or go to sleep, and, in fact, if the day-rooms are used as classrooms as is proposed, then it is very likely that they will have men from block "A" going to the class being given in block "B", and men in block "C" going to the classes in block "B", and there the segregation breaks down again so that in fact classification only serves the purpose when the man is put into segregation or put to bed at night.

Control points are a major premise of the design. In my investigation into this matter I found that some of the thoughts that I had expressed on paper were faulty. This was pointed out to me by senior custodial officers of the Canadian Penitentiary Service at various meetings, all of which, sir, were with the permission and consent of the Minister to me as a person at the time of meeting him in his office. In other words, I did not go to meet them through the side door. They all saw my thoughts and drawings and all heard my words, and many of them disagreed with me. But, certainly, the most security minded gentleman who has been before you said, "One of the points is that you are considering putting your gymnasium and auditorium between two housing units. This is very convenient so that men can go to the gym or to the auditorium without passing down long corridors, but" he said, "Harry, you are making one basic mistake, because, if there is trouble in one housing unit, then what we call "back-up" will occur. Therefore, if it is possible to rearrange your housing units or cell blocks so that the point of control of each cell block is reasonably close to the point of control of another cell block, then the staff can be manipulated and used in the event of difficulty."

The control points in the CPS design could not, I think, be farther apart. An examination of the drawing—and I am sure you have them before you, but in the event that they were not available I brought copies of them—would measure hundreds and hundreds of feet between the control point of cell block "A" and the control point of cell block "B".

I did not know about this phrase called "back-up," but now that I look at this design I wonder why it is that our thoughts in this regard were unacceptable there but are in existence here.

Educational facilities, as I mentioned to you, are both inadequate in their supply and improperly related to the other elements in respect to inmate and staff function and particularly as related to segregation, as I pointed out.

Inmate movement control is a major characteristic and premise in the statement of philosophy of design in the interim paper, but inmate movement control is supposed to be reconciled to the concept of correction and programming.

At Ste. Anne des Plaines, the CPS design for the maximum security institution has an inmate movement control that in any other jurisdiction could only be compared to the most maximum of custodial risk group, namely the segregation unit candidate.

The control system of traffic I daresay is no less than in the special detention unit, except that the SDU is smaller. There must be some difference between the main body of inmates of maximum security and the troublesome ones who must be weeded out and put into segregation and held there until they are ready to come back into the community. The whole community of the prison must not be in a steel and concrete straightjacket.

A reference is made, in fact, in this report upon questioning that it is possible that that type of fellow might end up being about 10 per cent of the population, and, therefore, I suggest that the CPS design is designed on the premise of the inmate movement control related to the 10 per cent, and ignoring the repressive effect on the 90 per cent.

Flexibility is a characteristic and premise of the interim paper. Flexibility is interpreted as the ability to increase rooms. Flexibility, as you have been informed in the reports submitted to you, is indeed the ability to allow for the varying degree of control arising from classification procedures and the ability to adapt to a varying program, because one thing is certain, and that is the program that we have today will be different tomorrow and the building certainly can be changed at Ste. Anne des Plaines. Money can take care of the tearing down of walls and the building of wings, etc.

Multiple courtyards in Ste. Anne des Plaines in the maximum security design, ladies and gentlemen, are bullpens. You give a security officer the opportunity to put his inmate outside into an enclosure that is safe and secure and has light, air and sunshine. As opposed to taking them into an outdoor area for athletic activity, he will put them in the bullpen.

Now, I love sports as a spectator. I am very much in favour of having somewhere for the inmates to relax and go for a walk. They do not have to go from their factory to their schooling to the football game, but they can go from the factory to their schooling to an outdoor place for a walk and to watch the football game. The relaxed period outdoors should be related to program so that when they get to the outside world they will either play hockey or watch hockey. Their reaction outdoors should not be listless wandering to cogitate and conceive of all their—I need not say any more.

There seems to be an emphasis on officer protection. In other jurisdictions it is a frank statement that a member of the Penitentiary Service is not unlike a member of the armed services, in that there is a risk. He recognizes that risk and he goes about his duties.

At Marion, Illinois, the only weapon carried is a whistle. The actual weapons are stored in a basement under the warden's office beyond the wall of the institution.

The emphasis, though, on officer protection begins to make not only the obvious split between staff and inmate but, believe it or not, a split between staff and staff, as well. As the armed guard at St. Vincent de Paul walks around the upper railing, the balcony, he is safe, I guess, from the man below, but what about the instructor who is with the man below? Consequently, there is an identification between those members of staff who work with the inmate and those members of staff who are beyond the armed wall or beyond the armed separation. There is no justification whatsoever for the degree of separation between staff and inmate. There is justification for separation, but not to anywhere near that degree. There are perimeter walls with the towers—there is no doubt about that. The entrance and exits, the central control points, but actually there need not be any arms anywhere visible except in the towers, and there need not be this tense sensation that is totally absent in other jurisdictions who have faced this problem and have not carried out an experiment but rather have carried out a building program that is based on the best advice they could get from all over the world which is also available to this jurisdiction.

Gymnasiums; there is no gymnasium in this design, and I understand that the feeling is that it need not be there because it will not be used very much. I really cannot discuss this point because all you have to do is to come with me to see how institutions work that have recreational facilities; come with me to the Roman Catholic Chaplain in Sommers, Connecticut, the State Penitentiary there, and he will tell you how he has reached inmates in the boxing ring boxing with them. All the athletic facilities are used throughout the day where hostilities can be worked out. Somehow or other the idea of not having a gymnasium is so foreign to my way of thinking because there is no area of group institutional

activity of men or women that does not have indoor athletic facilities to some degree or another varying with their own physical aptitude.

Now the maximum security design has no reception orientation housing unit. The understanding one is given is that this is because there will be a central diagnostic centre and reception unit. Incidentally I do not think that is right; I think there must be an orientation reception housing unit in every institution, as indeed the Canadian Penitentiary Service is providing, as you have been told, in the medium security. If you are going to take a man into medium security and you need housing for orientation, I do not see the logic of its not being required in maximum security.

I will close with this remark; the Canadian Penitentiary Service design does not have enough day-rooms that are quiet or active, and it has too many control points.

Thank you, sir.

Co-CHAIRMAN (*Senator Benidickson*): Thank you, Mr. Kohl. Now were there other presentations by the Corrections Association?

Magistrate KENRICK: We were expecting there might be some questions directed to us.

Co.-CHAIRMAN (*Senator Benidickson*): Oh, there will be, but at this stage I want to follow a pattern. You were not questioned immediately after your presentation and neither was your colleague.

Mr. WINCH: I had hoped there was going to be a presentation on this matter of presentencing and parole reports before sentencing.

Magistrate KENRICK: It will be a pleasure to speak on this, Mr. Winch.

Mr. WINCH: That is the most important phase of all, and I personally hoped that there would be representations about this.

Co-CHAIRMAN (*Senator Benidickson*): The first hand which was raised for questioning was Mr. Tolmie's. Are there any further presentations in a formal way from your organization?

Magistrate KENRICK: No.

Co-CHAIRMAN (*Senator Benidickson*): Mr. Tolmie.

Mr. TOLMIE: Mr. Chairman, perhaps I can direct a question to the magistrate. Did your organization engage any more professional help other than Mr. Kohl?

Magistrate KENRICK: Directly engaged, no, we have not, but we have in our organization people who are professionally connected with corrections in one form or another. Prior to submitting our report to the Solicitor General on March 18th we had consultations with many people. The list is on the back page of that report. At the top you will see the Anglican Church of Canada, and the archdiocese of Halifax; the Association of Psychiatrists of the Province of Quebec, the Canadian Association of Social Workers, the Canadian Correctional Chaplains' Association, the Canadian Corrections Association, the Canadian Medical Association, the Canadian Mental Health Association, the Canadian Psychiatric Association, the various branches of the Elizabeth Fry Society and the John Howard Society, all of whom are professionals in this field. You will also see there the name of the Mental Hygiene Institute and the Committee on Human Rights. I am not going to read them all, because it is a very long list, but there are many professionals in there. We did not engage them but we have utilized their services in many aspects.

Mr. TOLMIE: I am speaking about the design architects.

Magistrate KENRICK: No.

Mr. TOLMIE: Just the one?

Magistrate KENRICK: Yes.

Mr. TOLMIE: Is it not true that the people who designed the medium security prison, which of course is generally applauded as a model type of prison, are also the ones who designed the maximum security prison?

Magistrate KENRICK: Yes, that is correct.

Mr. TOLMIE: Well then, I find it rather difficult to resolve in my mind how one group of people can design a very acceptable medium security prison but cannot also design a maximum security prison.

Magistrate KENRICK: I think the answer to this is perhaps found in the fact that in medium and minimum security prisons and in some of the other institutions proposed there was a greater correctional philosophy built into the design. I think if we examine their reports on the way in which this maximum security prison was designed, we find consultations with wardens and deputy wardens in among interior consultations within the department on these designs. If we go into the detention concept of jails in Ontario we find the consultation is with people in other disciplines and correctional areas outside of institutions. I think this is basically one of the weaknesses.

Mr. KOHL: The answer to that question is not too difficult. The gentleman finds it difficult to understand why a group of architects who have designed one prison so well could design another one so badly. He does not understand how it could be a Dr. Jekyll and Mr. Hyde. The answer is very simple; the Canadian people took the American architects' advice on the one, and did not take it on the other.

Mr. TOLMIE: That is an answer that bears some investigation.

Mr. KOHL: The explanation of that was given to me by the architects in the company of others.

Co-CHAIRMAN (*Senator Benidickson*): You are referring to evidence of January 24th given to the committee?

Mr. KOHL: The architects referred to here are the American consulting firm referred to in these minutes of January 24th.

Mr. TOLMIE: Is it not true that your organization did make certain recommendations to the Penitentiary Service and certain modifications were made as a result of your representation?

Mr. KOHL: That is correct. However, that is not correct in the way it will read. There are two points that we were provided with on a revised drawing. I have it here, and the drawing of the building as it was contracted for with markings on it in red pencil showing what is going to occur.

The elimination of three or nine—half a dozen, let us say, cells in the upper cell blocks and the creation of an additional day room in two of those points, and then the removal from the drawings by this red pencil of the metal screen down the corridor—that is far and away unlike the adopting of the recommendation.

Mr. TOLMIE: I did not infer that. I wanted to know, for my own information, whether certain recommendations you had made were implemented by the Canadian Penitentiary Services Commission.

Mr. KOHL: To make sure this statement is accurate, you might say one-half of 1 per cent of our recommendations were adopted.

Mr. TOLMIE: That is getting quite precise.

Mr. KOHL: Yes, I am being quite precise on that.

Co-CHAIRMAN (*Senator Benidickson*): Would you make it clear to the Chair, Mr. Tolmie, to whom you are addressing your questions?

Mr. TOLMIE: I am addressing my questions to the magistrate, and Mr. Kohl seems to be in a position to answer. I really do not care who gives the answer.

Co-CHAIRMAN (*Senator Benidickson*): It is all right then, as long as you are satisfied.

Mr. TOLMIE: There is a point that has been made to me often, that there is a desperate urgency for new maximum security institutions. For example, in Kingston we all realize that that institution should be replaced immediately.

You state in you brief, on page 6:

We recognize the need for additional maximum security accommodation, particularly to facilitate demolition of old institutions, but we would suggest that a new design be developed and that as few maximum security institutions as possible be built until further information. . .

and so forth.

Would your position be, for example, in the case of Kingston, that in the interest of prisoners now incarcerated this institute should be proceeded with?

Magistrate KENRICK: You must excuse me for appearing to pass these questions off, but I would refer this to Mr. Kirkpatrick. He has made recent submissions and is well aware of the situation there.

Mr. A. M. Kirkpatrick, Executive Director, John Howard Society of Ontario: The statistical situation, as I understand it—although the commissioner's report is not yet available for 1964 or 1965—is that the population of the penitentiaries right across the country has been and is being reduced. I think Kingston is down to about 850 at the present time, though I am not quite sure of that, but you can ascertain that, but, as I say, the population is lower than it has been. This is still unsatisfactory. Warkworth will open in the spring of this year, medium security, and a number of men will be transferred through the system from either Kingston to Joyceville or Joyceville to Collins Bay to Warkworth, so there will be yet a further reduction of population in Kingston. The work camps are not operating at capacity at Beaver Creek and Landry Crossing.

It seems to me the pressure of population is alleviated enough that there could be a reconsideration of this design, and there would not be any more difficulty than there has been for the last two or three years. Certainly, it should be less difficult with less population.

Our position would be that the design that is proposed is so basically unlike the kind of design a good correctional philosophy would want, that it should be reconsidered, even though it might mean some delay in redrawing and proceeding to build a new institution, because what has been built in Quebec is no reason to say we should continue to build these right across the country.

Mr. TOLMIE: I can see your position there, but just reading from the brief submitted, it infers that as few maximum security institutions as possible should be built, the inference being that some perhaps could be built, because, as I understand it, if this particular design is now discarded it might take a number of years to redesign and implement the new policies.

Mr. KIRKPATRICK: My point would be we should build as few maximum security institutions as we possibly can; we should build only as many as we absolutely have to; and that any delay at this point in retooling for the job would be eminently worth while.

The important part of the institution is the product that comes out of it. This is the product that comes into our communities and acts out the kind of hostilities and aggressions which have been built in in the system in which it has been incarcerated.

As an example, we had a lad in our office the other day being interviewed. He was not mad at us or the interviewer. As he talked about his experiences he became aroused and excited, and suddenly turned around and swung his hand and crashed it through the wall of the office as he began to recapture the hostilities and aggressions and emotions that had been built up in him during his

period in the institution. This is the kind of product the citizen meets on our streets, and this is the kind of thing we have to do something about.

In my opinion, this design is based still on a philosophy of control, and we are moving in all correctional thinking throughout the world to a philosophy of change. If we do not find ways now and in the future, with the growing knowledge about human beings, to change them in our institutions, then indeed we are very impoverished.

We have these people in our control for two, five or 10 years, and there has been very little change made in many of them. That is why our recidivist rate today is still about 76 per cent. That is to say, about 76 per cent of those now in penitentiaries have been in a prison of some kind or another before. Approximately 44 per cent have been in the penitentiary before. These are not satisfactory results from the old system, and this design, it seems to me, enshrines the kind of thinking which we have had in the old system. The point is that while we can discuss with Mr. MacLeod the kind of things Mr. Winch so rightly mentioned as being important, we can discuss and argue about these as the days go by, and we can hope for a change, and there may be change; but once these buildings are built, then all the staff training in the world and all the program development in the world will be useless because they have been encased in brick and mortar and the pattern has been set—I repeat again, a fundamental pattern of control.

Mr. TOLMIE: Thank you for that very eloquent statement. I would like to ask Mr. Kohl two or three brief questions. The committee is put in this position. We have, in effect, conflicting opinions on the type of people. None of the members of the committee, to my knowledge, is in a position from any professional standpoint to argue with you on these statements. However, I think it is our duty to try to assess, perhaps, the credentials of the respective people who are advising the correctional organization and also the penitentiary service. I would like to know, for example, if you yourself, personally, have ever designed a prison.

Mr. KOHL: I am designing some now.

Mr. TOLMIE: Have you actually completed any designs?

Mr. KOHL: Two are due for working drawing completion on April 1st.

Mr. TOLMIE: What type of prison?

Mr. KOHL: The two the judge mentioned: a minimum security for women in Ontario, and a regional detention centre, which includes maximum, medium and minimum, male and female, in Ontario.

Mr. TOLMIE: These are for the Ontario Government?

Mr. KOHL: The first one is for the provincial government and the second one is for a multiple county arrangement.

Mr. TOLMIE: These are designed, but the actual prisons have not been completed?

Mr. KOHL: The designs have been completed, but the ground has not been broken.

Mr. TOLMIE: What type of business do you transact? What is the substantial portion of your business.

Mr. KOHL: I do not think you could name a building that I have not done, sir.

Mr. TOLMIE: What percentage of your business pertains to prisons?

Mr. KOHL: In the last seven to ten years, and particularly in the last three or four years, about 50 per cent of my time has been devoted to research on the subject, and to the projects I am working on.

Co-CHAIRMAN (*Senator Benidickson*): Which are?

Mr. KOHL: They are the two institutions and the total correctional philosophy regarding penology, because there is no way of designing a prison without actually going into a study of penology.

Mr. WINCH: Is that the reason why you visited other countries of the world to see what they are doing?

Mr. KOHL: Yes, sir.

Mr. TOLMIE: I think this is helpful to the committee. What motivation prompted you to emphasize this type of architecture as opposed to the normal type?

Mr. KOHL: It was suggested to me ten years ago by the Minister of Public Works of Ontario that somebody ought to look into this because nobody knows anything about it.

Mr. TOLMIE: And your work so far has been for the Province of Ontario?

Mr. KOHL: Yes, sir, except for my appointment by the Solicitor General to the Ouimet Committee—to the Canadian Corrections Committee.

Mr. TOLMIE: How many architects or designers would the Canadian Penitentiary Service have engaged in relation to the maximum security prison?

Mr. KOHL: I beg your pardon?

Mr. TOLMIE: How many architects or professional planners would the Canadian Penitentiary Service have engaged in bringing forth this plan?

Mr. KOHL: To my knowledge—and I am sure this is accurate—the Penitentiary Service design is the result of the work of the chief planning or facilities officer, Mr. Simpson, who is an architect, and who entered this field five years ago. Before that he had no experience whatsoever in the field, by his statement to me. The other architect is Mr. Dan Gale of the firm of Helmuth, Obatta and Kassenbaum of St. Louis, Missouri, in which firm Dan Gale is the correctional architect. That is his department. The rest of his firm does universities and other wonderful buildings. To my knowledge—and I believe it is quite accurate—the total contact was between the Commissioner, his planning officer, Mr. Simpson and Mr. Dan Gale.

Mr. TOLMIE: Mr. Kohl, I was given to understand again that the Penitentiary Service had engaged professional help not only in Canada but from outside of Canada in preparing these plans for the maximum security penitentiary.

Mr. KOHL: Yes, they consulted with Mr. Dan Gale of H.O.K., which is an abbreviated form of that firm's name.

Mr. TOLMIE: This is the one they consulted?

Mr. KOHL: Yes. Other architects had applied to offer their services, and they were not consulted.

Mr. TOLMIE: Do you know how long they took to design this maximum security penitentiary?

Mr. KOHL: I am told by the minutes of the last meeting.

Mr. TOLMIE: What was the length of time?

Co-CHAIRMAN (*Senator Benidickson*): Do you mean the minutes of this committee of January 24?

Mr. KOHL: Yes.

Mr. TOLMIE: How long?

Mr. KOHL: I believe the statement here is three years.

Mr. TOLMIE: Three years.

Mr. KOHL: Yes, sir.

Mr. KIRKPATRICK: May I ask if that was just for one design, or for all the designs? There were several designs.

Mr. KOHL: I think the reference here, Mr. Kirkpatrick, is to the maximum security penitentiary. I believe Mr. Simpson has been working on the total program for five years, or ever since he was taken over from the Department of Public Works.

Mr. TOLMIE: Your profession is a very specialized type of profession?

Mr. KOHL: You had better tell me what you mean by that.

Mr. TOLMIE: Each person who practises architecture has his own ideas and tastes and opinions.

Mr. KOHL: Tastes, yes.

Mr. TOLMIE: And opinions?

Mr. KOHL: It depends upon whether you are talking about aesthetics or not. If you are talking about function—

Mr. TOLMIE: I am talking about total design and function. I have had some dealing with architects, and I classify them in the category of, perhaps, an artist, in a sense, because they have imagination and they have certain ideas of what is utilitarian and what is aesthetic. Is it not true—based on the premise which I believe to be true—that buildings proposed by various architects might conceivably be different. Their constructions would be based on differing opinions?

Mr. KOHL: Given a fixed program that clearly articulates the functions of the building the variations in design would be totally aesthetic. The program designs the function. That is not left to the architect, in the example you have given, to determine. You could not hire three architects and tell them you want a three bedroom house, and get one to design a one bedroom house, one a two bedroom house, and the other a three bedroom house. You would get a three bedroom house in each of the three designs.

Mr. TOLMIE: But is it not true that if you hired ten architects to prepare a design for a maximum security prison you might get ten conflicting opinions as to what is most desirable.

Mr. KOHL: It is interesting that you should ask me this because I can give you an example from fact. As the consultant to the province on regional detention centres I am charged with the responsibility of providing the program to various architects throughout the province, and asking them, through the committee I work with, to prepare and file designs. I am at this moment considering three different architectural plans from three different architects. The variation is aesthetic, because one program says that there shall be a sally port leading into the reception area. No architect can decide not to put in a sally port. Whether he puts in a sally port facing north or facing south does not matter as long as it leads into the reception area. If there is to be a school program then there must be provision for that. If you told ten architects to design for you a building, and gave them no other information, then they would come back to you with 5,000 questions.

Mr. Alexander, the Director of the Federal Bureau of Prisons in Washington—I think that is his title—has provided me with the kind of instructions given out to private architects. The program is laid out in from 300 to 350 typewritten pages, which describe the building just as a school board describes a school it wishes built and where it says that there shall be a teachers' closet, or a room for the storage of so many books, et cetera. In such a case the only differences in design will be those that come out of the imaginative genius of the individual architect, but the overall program is the same.

Mr. TOLMIE: I realize that you have made a devastating indictment of the proposed maximum security design. What you are saying, in essence, is that your opinion is superior to the opinion on design and policy of those engaged by the Canadian Penitentiary Service. Is that true?

Mr. KOHL: I am saying that I can read a program and I can read blueprints, and I am saying that the two are not the same. By the examples I have chosen today—some 20 of them—I show that they are not. I have to say that they are not specifically governed and restricted to matters that are straightforward. For instance, when it is said there shall be multi-purpose rooms, and there are no multi-purpose rooms, then that is not a matter of superior opinion, sir. That is a matter of fact.

Mr. TOLMIE: I do not want to interrupt, but in that one particular area that is a matter of fact. However, your general indictment is not restricted to certain things that are left out and certain things that are put in. You seem to suggest that their proposals emphasize the custodial aspect whereas you and other members of your association would emphasize the rehabilitative aspect.

Mr. KOHL: But their interim statement says that the design shall also emphasize the rehabilitative aspect. Therefore, when I look at the plan and see it not there I am simply saying what I said at the beginning, and that is that the differences are like black and white.

Mr. TOLMIE: One last question. How many times did you personally discuss with the guards their own safety, and perhaps the possibility of escape?

Mr. KOHL: I have discussed this subject not only with the guards at every institution I have visited but particularly with the people who teach the guards in Canada, in the federal United States service and in certain states, such as California and Connecticut. I am very concerned about this. I also discussed it with Mr. Richardson, the warden of Marion, and his deputy in charge of custody, and Bernard Rank of Sommers, Connecticut. I do not want to mention Canadian Penitentiary Service because they are covered in a report which is available to you, in which report I list the names of people. The questions that I have raised have been circulated to 50 different people in Canada alone, including a dozen of the major Canadian Penitentiary Service people, and from whom replies were received, with copies all filed with the commissioner. I have discussed this with the commissioner, and with Ian Simpson. I am fully aware of the need for recognizing that in working in a dangerous area there is a risk, but the point is that the interim paper written by Ian Simpson makes a specific point of the intentions of the project, and these intentions are not being fulfilled.

Mr. TOLMIE: I just wanted to clear that one point, that the whole tenor of the presentation has been one emphasizing rehabilitation. I am quite sold on that also. However, sometimes I feel that while we can be preoccupied with that particular aspect, the actual safety of the guards and of the possibility of escape might in the process be neglected.

Mr. KOHL: Let me make very clear to you, sir, that I think an institution that concentrated as much on rehabilitation as this design does on security would be as bad, because there is no point in having mayhem and murder inside or escape out, because the purpose of retaining these men, removing them from society, is to hold them away from society and while doing it making some effort to see that they either go out better or not worse; and so I would be as violently opposed to any concept that did not allow, for example, for the observation of inmate movement at all times at all places. I can show you institutions in other jurisdictions where one man can sit and watch every classroom, the gymnasium, the auditorium, the exit and entrance to the athletic field.

Custodially speaking, how many officers would have to watch the activities of inmates in this design in respect to classrooms, gymnasium—they do not have one—auditorium, and athletic field? You would find there is a point made, a criticism of our scheme to make control points far more than were proposed in the Canadian Penitentiary Service design.

The Co-CHAIRMAN (*Senator Benidickson*): What is the secret of the one man knowing what is going on everywhere?

Mr. KOHL: It is an extraordinarily astute question, and to answer it you are an expert. The basic fundamental is that these inmates, 99 per cent of the time will not pull off anything or try to if there is a possibility that they will be observed. They know they have nowhere to go. Getting out from the wall is for the magicians, or the double fences, and what have you. Ninety per cent of the time or more, with juveniles, with women—and women are rough to deal with in this case, or with men, the trick is what do they think inside. If they only think they can be seen, then the changes of mischief are reduced to a minimum, but give one half of a moment where there is reasonable assurance that they will not be seen, then a whole set of circumstances, mental machinery goes into work. So the magic I point out to you is that in St. Mary's, Sommers, Connecticut, the custodial officer is sitting at a desk in the educational centre and nobody can come in and out of the educational group—a group of classes in the audio-visual library, and this is the maximum security such as they had at Alcatraz. This man simply moves about unarmed, and it is known by the inmate that he can be seen, and is also known if he is taken as a hostage that is not a basis for escape. Consequently, it is not so much a matter of control and movement per se by bullet proof enclosed cages, or gun turrets, or domes, or what have you.

In the Canadian Penitentiary Service design the three day rooms in each of the housing blocks are like the three segments of a pie, the centre of which is a control point. That control point is glass enclosed; there is a bullet proof slot in each of the rooms for a weapon, and an armed guard in the centre, so as to remind the students at class that they are there to be educated and not to assault the teacher.

This explanation of a plan, which is not all that clear as drawings, was given to me by the authors of the plan, and I simply said, "I don't believe you." I didn't believe it, because this classroom is not the place to determine who should go into segregation on the over all scene. The classroom is a place of tranquility to be taken to reach the man and get to him and then hope that maybe if he learns to read and write he may be better able to get a job when he gets out. You visualize this classroom grouping, and you have an idea. Visualize a chapel with a railing going along the top and guards walk around the chapel, and that is what is going into Ste. Anne des Plaines.

Mr. WINCH: We have been there; we know.

The Co-CHAIRMAN (*Senator Benidickson*): No, we have not been there yet.

The Co-CHAIRMAN (*Mr. Watson*): A special detention unit, that is what you were concerned with.

Mr. TOLMIE: That is all I have to ask, thank you.

The Co-CHAIRMAN (*Senator Benidickson*): We are good friends, but I was going to point out that the clock indicates that the time is passing. I am subject to the desires of the committee. We can sit indefinitely, if that is the wish of the committee. I have heard that at least Mr. Winch wants to ask some questions, and likewise Senator Fergusson and Mr. Allmand. I believe also my co-chairman made some notes, and maybe there are others. The committee has another appointment at 8 o'clock this evening, but we can continue this discussion at 8 o'clock, or we can go on now as long as people ask questions. What is the view of the committee.

Mr. WINCH: I suggest that we go on until six o'clock.

The Co-CHAIRMAN (*Senator Benidickson*): I will take your advice, thank you.

Mr. ALLMAND: If Mr. Kohl has to leave, could we not put our questions to him first and then come back to the others?

Co-CHAIRMAN (*Senator Benidickson*): What is your opinion on that suggestion?

Senator FERGUSON: My questions were to Mr. Kohl.

Mr. WINCH: My questions are variable on a subject like this.

Co-CHAIRMAN (*Senator Benidickson*): It would be difficult to adopt the suggestion. I think we may have to go on to 6.30 but let everyone try to be fair to the subsequent questioners.

Mr. WINCH: I have been very interested in the remarks this evening and could ask many questions. It is difficult to know where to start. In view of the comments made, I will try to direct just a few questions, seeking information on some points that I think we are all interested in and on which no comment has been made.

I would like to ask, first of all, whether or not the association agrees or does not agree, in view of their interest in correction and rehabilitation, with previous evidence given to this committee in regard to the location of penitentiaries being too often placed in locations to the detriment of the efficient rehabilitation policies; and, if so, whether the association can give an example.

Magistrate KENRICK: Probably Professor Fornataro can answer that question.

Professor J. V. Fornataro, School of Social Work, University of British Columbia: I hope that my reply will not appear to be devious, but such phrases as "political expediency" and so forth may seem to be rather charged ones for us to use in this assembly, regardless of what private opinion we may have.

Mr. WINCH: It is an important answer for us.

Professor FORNATARO: In speaking to this, may I state that our association, over a number of years, has attempted to develop statements of policy which we have shared with the appropriate ministries of the Government. One of these has to do with location of prisons. While I have not consulted this for a considerable length of time, I do recall that considerable emphasis has been given to the importance of locating correctional institutions in centres where there is ready access to the variety of personnel which are required for the kinds of newly developed programs appropriate for correctional institutions, and access also to educational facilities, centres which may assist in carrying out research, such as universities, and access to industries and employers.

Institutions have been erected in recent years, known to all of you—Alberta and Nova Scotia are those which come to mind readily—which seem to have none of the criteria which have been thoughtfully developed by this association in this respect. One is left to draw conclusions—which may or may not be accurate in the light of the knowledge which we have concerning the reasons for the selection of those sites—that they would seem to fulfill very few, if any, of the requirements which we think are pertinent in the determination of a site.

Mr. WINCH: Thank you. My next question is that the Commissioner of Penitentiaries originally outlined a ten-year plan of reconstruction in the penitentiaries system in all stages, which he later reduced to a seven-year plan. However, even when the seven-year plan goes ahead, a vast number of the present institutions are still going to be in existence. So my next question, which I think falls completely within the purview of the study of your association, is this. Of the existing institutions, have you any recommendations to make to this committee as to what should be done with the existing institutions, for as long as they are in use, so as to make them more adaptable and fulfill a greater service in rehabilitation and correction? Have you given any thought to recommendations of the kind that you would like to make to our committee?

Magistrate KENRICK: Mr. Kirkpatrick will answer that.

Mr. KIRKPATRICK: Those are very broad and good questions. I certainly think it would be wise to demolish Kingston penitentiary and presumably St. Vincent de Paul and presumably New Westminster, though those are not areas in which I am immediately working.

CO-CHAIRMAN (*Senator Benidickson*): Why are you not immediately working there?

Mr. KIRKPATRICK: I am, in Ontario. Kingston is in my area, so I can speak with definite knowledge about Kingston. I would not do that, however, until there is another maximum security institution, Mr. Tolmie.

Mr. WINCH: What would you do with them until they are replaced?

Mr. KIRKPATRICK: There is not very much more that you could do inside or patch on to Kingston penitentiary. There is very little that can be done. The only thing you can do is increase and slightly change the emphasis on staff training. Do you wish me to expand on this or just leave it at that?

Mr. WINCH: On the staff training, I know something is being done there. They all have to take the three months' course. I am more concerned on the training of the inmates. Can a change be made giving greater emphasis on some temporary changes inside, so that more can be given to training of inmates, because idle hands are not good, particularly inside a penitentiary.

Mr. KIRKPATRICK: This is true. There is over manning in Kingston of some of the industrial shops. This comes back to the ability of the penitentiary system to secure contracts. Here I would hope that everything that possibly can be purchased by the federal Government from the penitentiaries would so be purchased. If you could aid in the development of this concept, it would certainly help to put more work into the penitentiaries.

As far as inmate training is concerned, I think it is going to be very difficult in Kingston, to do very much more than is being done at the present time—that is, immediately. You have the old traditions, which are a hundred years old, of the inmate culture in Kingston penitentiary. It has been an ordering and forbidding type of philosophy. Men have existed there for years under the old system of punitive deterrents in the prison. The basic problem is that, in an institution of that size, the staff and the inmates sort of have a no man's land between them, which you do not really cross, you skirmish around it but you do not really cross it.

Until institutions can be brought down to a smaller size, to 200 or 250, where the staff can really know the inmates and really have contact with them, it is going to be very difficult to do more than occupy them more fully. Certainly, by increasing staff training, you can try to reach more people.

With staff training, it might be possible to develop techniques and skills in some of the correctional staff, correctional officers, whereby they might conduct certain group type of functions with inmates. I have seen this done in California, for example, to be specific. I remember that I was staying at Chino overnight when a man took off. His group officer said that he was terribly frustrated because he felt some tension was building up in this man and yet he had been unable to rationalize within the group. This is the kind of thing that might be helpful. It is a defeating kind of thing for the man working in an institution of that kind. Mr. Fornataro may want to add something to that.

Mr. WINCH: It is a very nice answer. There are other points I would like to cover, without taking up too much time. As a result of all the experience that members of the association have had, I would like to have the opinion of those who are here as to whether you, as a result of your experience, believe that many of the inmates are subject to rehabilitation or correction, if they were given the necessary and the full psychological and psychiatric treatment; and, if

you do, what is your comment on the fact that our policy in the past, and up till now, has been a part-time psychologist and a part-time psychiatrist for institutions up to 800 inmates?

Mr. Justin Ciale, Professor, Department of Criminology, University of Montreal: First of all, I think that we are just moving into this field. But to tie it into the design that we are discussing today, I think that this is precisely the point: You want to create the type of inmate staff relationship which Mr. Kirkpatrick was talking about, and this involves the whole field of penology, involves good classification and good specific types of treatments for specific types of offenders.

Today, for example, in the St. Vincent de Paul area the actual St. Vincent de Paul building cannot be used for anything except scrap mortar once it is demolished, but we have S.T.C. LeClair, and Collins Bay where we can move the specific type of offender.

Mr. WINCH: You still have only part-time psychologists and psychiatrists, however.

Mr. CIALE: The important thing is the type of relationship which has to be built up. We have to break the inmate society, and the only way to do that is by developing a good inmate staff relationship. This has to be a close relationship which this type of institution does not create. In fact, it merely alienates them, and we must not forget that 60 per cent of inmates will be there only two years and 40 per cent will be there for periods of over two years.

In such terms we are saying we are going to put inmates in very highly secure situations and then, after two years, we are going to release them again. During that time, if you alienate them by the relationship which exists between the staff and the inmates, you will only make them worse and will only create more hostility. We have to develop inmate staff relationships which, through identification, through communication and through contact will break the code of the inmate. This, I suspect, can be done in small institutions or at least in small groupings, which ever way is preferred. I am not an architect and I am not able to say how you are going to place or dispose of this relationship, but, certainly, I can see an institution that favours this as opposed to one which does not favour it. This is the point we want to get at.

Mr. WINCH: Basically, your answer is that there is no advantage in going beyond the parttime psychologist or psychiatrist until you have the type of institution where you can have a correctional rehabilitation attitude.

Mr. CIALE: Not quite. I think your professional staff have to work hand in hand with your correctional staff. It is not the psychiatrist or the psychologist or the social worker who is going to rehabilitate the inmate in the two or three hours of interview during which he sees him. He is going to help a lot in interpreting to the staff what the problems are, but it is the correctional staff, the correctional personnel who are going to do the real correctional work. And this involves the teaching, the work, the physical education and a host of other activities, which are all part of programming. This is how your inmate attitudes are going to be changed.

I might add, for example, the difference between the person who succeeds in a trade and the person who does not succeed in a trade is not the difference between ability and lack of ability or between capacity and lack of capacity. It is not such a difference. It is a question of attitude. One has a bad attitude and the other has a good attitude. You have got to work to change that attitude, and this is very difficult, unless you program for it. It is not bricks or stone or steel which will change the attitude. You can take the most secure institution and you are going to get somebody who is going to figure a way out.

Unless you have persons who are working closely with inmates and who can say, "This chap here is now ready for a break", because they know him and have worked with him, and can say, "This chap here is now ready to move somewhere into a progressive system because he is changing his attitude and is coming around to our way of thinking," again, because they have worked closely with him. This requires close observation and requires working with the inmates closely all the time.

It is not bricks and mortar that will do this. They will only create a gulf.

Mr. WINCH: Your answer leads me directly, then, Mr. Chairman, to Mr. Kohl. I was most interested, Mr. Kohl, in what you said. You started a serious study of penology regarding architectural institutions some ten years ago, and you have travelled to the various countries of the world and seen their institutions. I would like to ask you if, in the course of your studies and travels, you have seen any institutions in which they are trying to apply a degree of modern penology that ties in with a situation such as the new building which we were able to visit just a few weeks ago, the detention unit outside the St. Vincent de Paul area, where men are placed in cells where they cannot look outside because there are no windows, they cannot look into the corridors because of steel doors, and they cannot look out the top because that is closed. Outside of artificial lighting, the only light they have is indirect.

Have you seen anything of that nature in modern penology in your studies and travels? If so, I would be interested to hear of it.

Mr. KOHL: My shortest answer is going to be "No." It is an emphatic "No". There is nobody whom I have met who was not provoked, from Duncan Farin the director of the United Kingdom system, who has not enough money to build a new laundry room for his people, to Merle Alexander in Washington, to Walter Dunbar in California, to all of the people who have become familiar with the Canadian maximum security. This provoked them to become much more interested because they saw that Canada balked more and they were shocked. None of these people are doing anything like this. Not only are they not doing anything like the S.D.U. but they are doing nothing like this, and they cannot understand what motivation there is or what rationale there is behind it, short of generating animals to come out and eat people alive. This is archaic and medieval.

Mr. WINCH: That is the impression you have gathered everywhere, is it?

Mr. KOHL: Absolutely unanimous. What is more, in this system and in the service right here, reported to the commissioner with copies of letters, are these attitudes.

Mr. WINCH: Thank you.

Mr. KOHL: Not unanimously, because the service is perhaps greater in number than I have met, but these are strong opinions of senior people.

Mr. WINCH: Just one more question—

CO-CHAIRMAN (*Senator Benidickson*): Let us get this into the same language as we heard from Mr. MacLeod when he testified on January 24. We are referring to this one, new, rather unique institution called Special Correctional Unit.

Mr. KOHL: It used to be called Special Detention Unit. It is called Special Correctional Unit now.

CO-CHAIRMAN (*Senator Benidickson*): This was before there were any inmates in it. Is that correct? I want to get that on the record.

Mr. KOHL: Yes.

Mr. WINCH: There is one more question. I do want to take advantage of the fact that the magistrate is here, if I may. I do not want to take advantage of him,

but I do want to learn from him. I am just wondering if the magistrate can give us, from his experience and his knowledge of correctional institutions, some comment on either not putting first offenders, or serious first offenders, into a penitentiary, or even having them sentenced as such, but putting them under a probationary period prior to that, so that they have not got a criminal record, or, having a special—I don't even want to use the word institution—halfway house so that they are not committed to a specific or a definite institution with a criminal record. Then they could go into the other end of it or the other swing of the pendulum, the matter of a greatly increased change in moving to either a halfway house or a build up, of what is now growing in the United States, of allowing them out during the day to work.

Mr. KOHL: The work release program?

Mr. WINCH: Yes, the work release program. I am sure as this ties in with our penitentiary system, if you could give an answer which would not be too long, or at least that the Chairman would not find too long, if you could give us some indication of that, I think this information would be of the utmost importance.

Magistrate KENRICK: Mr. Winch, this is a most pertinent question and one which could be developed to quite some degree. I had intended to deal with it directly in my opening remarks, but I felt that perhaps we would have an indirect approach to it in talking about the maximum security institutions.

I think the overall picture is that in the approach to the maximum security institutions we almost have to make reference in any correctional process to the work of the court in sentencing persons to some institution.

We must recognize that the individual is disposed of by the Court through sentence, and Professor Mannheim a few years indicated to a group of us, many of us who are here today, that until the time arrives that we in the judicial area can talk across the fence to you in the parliamentary area and the people in the correctional areas, that we will not successfully proceed along our own paths in our own individual areas.

In speaking to the magistrates and other judges on the sentencing of individuals and specifically first offenders, I was interested in reading on page 49 of your report that there was a question asked with reference to the uniformity of sentencing, across Canada, and in the answer it was pointed out that there were at least 350 magistrates, 150 county court judges and at least 100 supreme court judges, some 600 people imposing sentences in this country, with no guidelines, with no established principles other than the Criminal Code or some other legislation. The figures there are not accurate, but I don't think that is material. The courts have many guidelines, and whereas in the late days of Queen Victoria there were 200 offences for which we had capital punishment, and that is about as extravagant as you could find, the sentencing procedures have been modified by services available to the Court. The first and biggest development in the sentencing process, and I am referring to the entire process from the date the man is picked up or apprehended to the date that he is returned to society as a useful citizen—and this involves treatment, if he is fit for treatment—is the fact that we attempt to use the individual approach to sentencing. We use presentencing reports. In Ontario where they spend large sums of money on such services, they have probation officers available to every court. When we sentence an individual, if a probation officer is available and if a pre-sentence report is available and a case history, that case history may indicate—if the judge can read, and most of them can—to the sentencing authority what area to send this man to. Together with that there have been many clinics and institutions which have developed in the area of the behavioural sciences over the last few years.

In some provinces there are more of these than in others, but in the main judges and the courts have changed from the old form of sentencing to the

individual form and that is how the use of these services, the probation officers and the parole officers after release, have helped to change the situation. In Ontario 60 per cent of the people in jail a few years ago were there because of alcoholic offences. We have changed the jail population. I wonder if there has been a noticeable change in the penal area in the last few years. I think you will find all along the line in the provincial area and in the federal area that there will be a continuing change in the jail population as you develop these services. In Ontario they have developed an entirely new concept of a jail. Mr. Kohl spoke on this. It is now a detention and reception centre and will be immediately available to the Court with skilled psychiatric help, skilled probation officers, skilled officers from the penal services and perhaps some from the local welfare services and from services such as A.A. There will be classifications starting and there will be preventive sentencing done in that area. We see many cases now where people are being referred to mental institutions who previously were put into jails.

This individual you spoke about who is a first offender, if the Court had and utilized this service—and we can debate this for hours—because it is only recently we can hopefully expect to have uniform probation services across Canada. Stewart Jaffray, in his book *Sentencing in Canada*, said that where you give a court these services the sentencing pattern is entirely different. In some cases you will find a man receiving a sentence which is two-thirds heavier than that imposed upon a man for a similar offence in another province. The court is not using the skilled techniques available.

Mr. WINCH: What you are saying now is that there should be greater federal jurisdiction?

Magistrate KENRICK: Well, Mr. Winch, I think there might be constitutional difficulties there. What we would hope for and what we would pray for is that there would be much greater co-ordination of the various correctional areas in the varying provinces. I live on the Quebec border, but in Ontario. If a young man of sixteen years and three days comes before me on a criminal charge, and if I sentence him, I have to treat him as an adult. Across the border, three miles away, the same individual is not an adult until he is eighteen. That is one instance where the legislatures have not formed a uniform pattern or a uniform approach to the offender in the court as a Canadian which is the same across the provinces.

Mr. WINCH: Do you think that we in Canada should approach somewhat the same system as they have in California whereby after sentencing there is a board which reviews—

Magistrate KENRICK: There I feel I agree with Mr. Justice McRuer who feels it is inconceivable that we should ever adopt that board system. What the court is doing in effect is using these special institutions available to advise him following a finding of guilt and before sentence on the nature or the type of sentence which should be given.

Co-CHAIRMAN (*Senator Benidickson*): You are including courts of all jurisdictions?

Magistrate KENRICK: I think this is a pertinent observation, just tying in the relationship of the legislator and the courts in the treatment of offenders. Take for example a young man who steals a \$10 money order from a post office; he must be sentenced to six months in jail. Wherever we have a presentence report, whatever it indicates, we are restricted in the sentence we can give him. If a man is guilty of a second offence, section 638 limits the court in applying probation.

Mr. WINCH: It requires action in legislation to implement what you have in mind.

Magistrate KENRICK: I think the progress in Canada in the last ten years has been almost dramatic. We are of course working hard to keep up progress in various areas.

Co-CHAIRMAN (*Senator Benidickson*): I have now to repeat my previous admonition. I have a number of questioners on my list.

Senator FERGUSSON: Mr. Chairman, like Mr. Winch, I have a lot of notes here and I could ask many questions. However, I must take the time into consideration. I would like to say first that I think this has been a very interesting presentation by all the witnesses, and I think we should be particularly grateful to Mr. Kohl for changing his appointment in London and staying on to be with us, because I think the information he has given will be of great importance to us when we are considering the matters to be dealt with in our report. There is one question I would like to ask Mr. Kohl while he is here.

Mr. Kohl, you certainly have been critical of the present building designs for the maximum security prison, and you say the plans do not agree with the interim statement. Would you have any alternative plans that would be in accordance with the interim statement?

Mr. KOHL: Yes, ma'm. This is precisely the question Ian Simpson put to me and the Ouimet committee at my very first meeting. They said, "What would you do?" Starting at that point I began to develop schemes with the honourable Justice Roger Ouimet and the committee and the Canadian Penitentiary Service, who warned me that if I was not careful I would get infected. I said, "Maybe I will infect you!" We went on preparing drawings, having them reviewed, criticized and changed over and over again. I would say we have designed, through the committee, about 12 schemes. We finally submitted one and that one, I believe, is before you, or has been before you with Roger Ouimet's submission. I have made a point of bringing along 25 copies of it, slides of it and of the song and dance routine, to show you, even though it may have—with all due respect to the gentlemen across the street—other faults in it, that it comes miles closer to the fulfilment of the interim statement. I cannot quote people and I cannot name them, particularly when they are in the Canadian group, but I can tell you there has been encouragement during the procedure. I think in here there is reference by the commissioner to the fruitful meetings which were held. When I went away for meetings up here in Ottawa I said to my chairman, "Let's go out and have a ball, because I think we are getting through." They said, "Don't do that. Do it this way." Pencils came out and sketches were being made.

Now it has been stopped, so at that point we went on to the final submission. You can have that with my blessings, and I was hoping someone would want to see it, and I think I can point out that of the 20 points of the suggested design, I think I can show you there is a design to be conceived of in a very short time which probably would eliminate 10 or 15 of the points.

Senator FERGUSSON: If you have the slides with you, could you go through them very quickly to show us the plans?

Mr. KOHL: Certainly.

Senator FERGUSSON: Would we have time?

Co-CHAIRMAN (*Senator Benidickson*): How long will it take?

Mr. KOHL: There is one slide; it is a floor plan.

Co-CHAIRMAN (*Mr. Watson*): Does your slide show comparisons between the other design and your design?

Mr. KOHL: Yes, I have a slide of the other design as well, and I can move that machine, click, click and you can compare them.

Co-CHAIRMAN (*Senator Benidickson*): I was thinking of your time and your plane to London. I was going to suggest, with respect to your time, that if there

were some others on my list here who specifically wanted to talk to you, that they should do so, even without our ordinary seniority. Is that agreed?

Mr. ALLMAND: Will we have time to ask more questions afterwards?

Mr. KOHL: I will try to answer the questions, and perhaps I could say, "Just a moment, I will show you the slide."

Co-CHAIRMAN (*Senator Benidickson*): With Senator Fergusson's permission, if you have more questions specifically of Mr. Kohl, we can deal with the magistrate later.

Mr. ALLMAND: Mr. Kohl, when you were discussing the plan for the maximum security prison you were saying it is a fact the present design does not follow the programming for it.

Mr. KOHL: Yes.

Mr. ALLMAND: What do you think happened? Were the architects incompetent in reading the program, or do you think there was some interference by non-architects which determined the final design? In other words, were the architects wrong in reading the program, because you said it has been done obviously against the program; or do you feel there was some political or non-architectural opinion introduced which made the change necessary?

Mr. KOHL: I do not know, and I would have myself to be a liar or a fool to guess, and I am neither.

Mr. ALLMAND: Do you know the men who were the architects for the present design?

Mr. KOHL: Yes. I know Mr. Simpson and Mr. Gale, Dan Gale.

Mr. ALLMAND: Do you think they are the type of men who could not read or interpret the program properly?

Mr. KOHL: Mr. Simpson wrote it, and I am sure Mr. Gale is able to read it.

Mr. ALLMAND: So it would appear there was some intervention somewhere or another which determined what the design would be contrary to the provisions of the program.

Mr. KOHL: I cannot tell you whether that assumption is correct, because I can suggest an equally different assumption.

Mr. ALLMAND: What is that?

Mr. KOHL: That after the program was prepared it was reconsidered and it was determined another program should be handled.

Mr. ALLMAND: Then I will move on to something else.

On page 2 of this memo that we have, it says:

It is suggested that the special detention unit now under construction in Quebec

—I suppose that is the one we saw near St. Vincent de Paul—
be turned into a reception and classification unit.

If it is not proper for a special detention unit, why would it be proper for a reception and classification unit?

Mr. KOHL: I do not know the brief you are reading from.

Mr. CIALE: I think—

Mr. ALLMAND: If it can be answered by you, I will keep it for you later. I want to know, from the architect's point of view, if the present design for the special detention unit could be used for a classification and reception unit. Do you think it could?

Mr. KOHL: No. I am nodding my head because I nod my head when I understand what you are saying. I do not know the brief, and I did not make the statement.

However, in the first instance, when an inmate is brought into an institution, if he is either unclassified or classified but unknown, there has to be a set of circumstances that should govern the design of that facility, than one who is classified and known to the best of the staff's ability, and his destiny is determined as to greater or lesser security.

In our county reception and detention units that Judge Kenrick spoke about, the first thing that is done is to hold the man in a state of excellent security until his nature can be determined. Then, when that is determined, he is removed from there, if it is justified. In other words, if I come in with no record whatsoever and am told I have killed my wife, and I have never been in jail, I might go right out of my mind, and they do not know that until they have looked at me to see if I have gone completely crazy, because she is beautiful and I love her. Therefore, there is the possibility that after the reception and detention unit where the man is held for observation, the degree of custody that governs the design of the building should be more, in fact is more than in a penitentiary of even what is called the maximum type—always having in mind the maximum type that is described in the interim statement has a facility in it called the segregation unit.

MR. KIRKPATRICK: I think it would be a disservice if the answer to your question were not given in the record at this point. I think this was a counsel of despair so far as our brief was concerned. The building was being built, and it was much better if it was used for short term people who were there for up to 60 days, and used as a reception classification unit, than for long term people in a programmed kind of institution. Our thought was that if you are going to have it then for goodness sake change the purpose and re-adapt it. But, we still condemned the building.

MR. ALLMAND: That is sufficient for the time being.

Senator CAMERON: May I interrupt, Mr. Chairman, to ask what the plan for the rest of the day is? This is a very important session.

CO-CHAIRMAN (*Senator Benidickson*): That depends somewhat on our witness, Senator Cameron. Mr. Allmand has asked a question or two, and Senator Fergusson actually gave way to him. Then we have the co-chairmen and some other members of the committee who wish to ask questions, I think.

MR. ALLMAND: I have one more question for Mr. Kohl. I have other questions for these other gentlemen, but I will reserve them. I should like to ask one more question of Mr. Kohl because he wants to show us his slides. May I put that question now?

CO-CHAIRMAN (*Senator Benidickson*): With respect to Senator Cameron's question, it is the committee which decides these things. Do you think we could have the slides, and then adjourn at 6:30? We have another meeting scheduled for 8 o'clock. Is that not correct?

CO-CHAIRMAN (*Mr. Watson*): When do you have to go to Montreal, Mr. Kohl?

MR. KOHL: I am told that there is a little aircraft arranged to leave at 7:30. I have to be at the airport to catch this funny little thing by 7:30. I am all packed and checked out, and I am half an hour from the airport.

CO-CHAIRMAN (*Senator Benidickson*): Then, we shall have the slides. Does that suit you Mr. Allmand?

MR. ALLMAND: I have one more question, and it is in respect of windows. In your answer to Mr. Winch you inserted the observation that you discussed the plan with people in the United States and in England, and they said it was archaic. As a layman and one who does not know too much about the psychiatry of looking out of windows, the developments I see in architecture today is that windows are being done away with. They have just finished a new building at

Sir George Williams University in Montreal which has hardly any windows. I have been in new factories with hardly any windows.

Mr. KOHL: Yes.

Mr. WINCH: But these people are there for 24 hours a day.

Mr. ALLMAND: On page 4 of your brief you refer to conditions of severe sensory deprivation. I think that that is referring to the windows.

Mr. KOHL: I do not know whether it is referring to the windows.

Mr. ALLMAND: But it seems to me that if you have a window then whether your senses are being deprived would depend upon what you see out of the window. If you are looking out onto a garbage dump, or something like that, then it is probably better to have no windows, but rather pleasant interior decoration.

The next thing I want to know from you is why is there a trend in the architecture of other buildings today away from windows, and a trend to having indirect lighting rather than direct lighting.

Co-CHAIRMAN (*Mr. Watson*): I wonder if I could intervene and say that this evening there will be experts from Kingston on sensory deprivation, and they will be able to answer these questions.

Mr. KOHL: Mr. Watson, on a point of order, the premise on which the question is based is incorrect, with all due respect, because in all the modern buildings you have seen or heard about, you have never seen any windowless bedrooms—that is, windowless rooms in which people sleep.

Mr. ALLMAND: I must admit that I have not.

Mr. KOHL: There is your answer. It is in the area of psychiatry.

Mr. ALLMAND: The strange thing is that usually when one is in his bedroom it is at night.

Mr. KOHL: I just wanted to make sure of the premise that all modern buildings are becoming windowless.

Mr. ALLMAND: Apparently they are, to the layman.

Mr. KOHL: I wanted to bring to your attention the fact that you have never seen a building in which people sleep—such as a hotel, an apartment, a rooming house, a fraternity house, a university dormitory, etc.—contemplated with no windows.

Mr. ALLMAND: That is right.

Magistrate KENRICK: Professor Ciale will be in a better position to answer those questions.

Mr. ALLMAND: Then, I will pass.

Co-CHAIRMAN (*Senator Benidickson*): Are you still willing to defer to the Co-Chairmen, Senator Fergusson?

Senator FERGUSSON: As long as we have the slides.

Co-CHAIRMAN (*Mr. Watson*): Do you have any questions to ask of Mr. Kohl?

Senator FERGUSSON: No.

Co-CHAIRMAN (*Mr. Watson*): I think it is important to ask if any members have questions to direct to Mr. Kohl. If there are then those questions should be asked before the slides are projected.

I want to ask you a question, Mr. Kohl. On November 10 the Canadian Committee on Corrections wrote to Mr. Pennell a letter in which they enclosed the letter from you, and they pointed out three areas which were worrying them in particular. One was the control of inmate movement. They said that this resulted in a serious loss of time and disruption of the program. My question is

on that one objection. Does it really matter whether a prisoner loses five, ten or fifteen minutes in travelling from one point to another within a prison?

Mr. KOHL: I would say it certainly does. I think that the time a man spends in this kind of an institution, to begin with, is repressive because it precludes him from the freedoms he had outside. The worst thing you can do is ever leave him without, if you like, a purpose or an intention. Therefore, you have got to program his time in almost the same way as you would program the activities of any other collection of people such as those, in say, a camp—I do not want to say “like children”. You set up a camp program, and the only times you give them when they have nothing to do are those of their rest periods between meals, and between meals and bedtime. From the time they wake up to the time they go to sleep the time is programmed. The same applies to a school or a university, or what have you. Therefore, to say: “Well what difference does it make if you take a long time in going from one place to another? These people have nothing but time on their hands”, is to resign yourself to the absence of a program.

Co-CHAIRMAN (Mr. Watson): Do you not agree that there is an intention in moving from one spot to another within a prison. The purpose is to get there. The second thing is: Would this not necessarily be exercise that is good for the prisoners involved?

Mr. KOHL: I do not think that that kind of walking can really be costumed in the disguise or fiction of exercise. I really do not. I think the facts are that if you move from your apartment across the street to the centre block, or whatever block we are in for this meeting, your object is getting here, but if you want to take a stroll that is a different thing, but, here you are not talking about a stroll *per se*. This applies to a free man. To say that giving them a long walk is good exercise, and that it fills their time, or what have you, is really a fallacy.

Co-CHAIRMAN (Mr. Watson): What you are saying is your own personal feeling?

Mr. KOHL: No, no; hold it now, sir. I have spent ten years asking people who have devoted their lives—I would say my opinions are based upon about 500 years of experience of people in different jurisdictions—people with Canadian accents, American accents, French accents and English accents. My opinion is covered beautifully in a statement our Commissioner made as to how an architect goes about designing a building. He goes to the experts. I went to the little staff people. I found out what they had to say. I correlated the expert opinions. I asked one expert what he thought, and then another expert what he thought.

Magistrate KENRICK: I think again, Mr. Chairman, that Mr. Fornataro and Professor Ciale are in a better position to answer questions of this type.

Co-CHAIRMAN (Mr. Watson): This is actually the question that the Canadian Corrections Association raised as their first objection. I think it is dealt with on pages 3 and 4 of your letter of October 13, under the heading “Zoning and Compactness.” If I remember correctly, in your earlier testimony you stated that the C.P.S. plan had too much control?

Mr. KOHL: Yes, sir.

Co-CHAIRMAN (Mr. Watson): Do you not think that this excess of control you are complaining about is going to take care of this supervision problem?

Mr. KOHL: The point is, sir, that the excess control is a disaster in a rehabilitative program. Consequently, the building is designed so that to move the man from his cell to his work or to the psychiatrist or to a schoolroom requires that he passes many points of control, because it is a longer, circuitous route.

The difference in the state of a man's mind—and there is an excellent article on this in the British magazine of criminology—is that when he is going to school or to work, as to whether he passes one, two or ten control points, as the case may be, is significant in the state of his mind and his state of stability, in the tranquility of his mind, because every point of control per se is a vivid reminder of his situation. By "point of control" I am not talking about an officer walking down the corridor or into the classroom, the point of control is the maximum of human discipline over him. This is the man on staff who does not necessarily teach or guide or help, he is there for a very specific purpose; so if you can rearrange your spaces so that distances he travels are shorter and so that you get the same control, you need less control points, and you remove the depressive influences on a man.

CO-CHAIRMAN (*Mr. Watson*): In achieving this design which you feel answers some of these objections which have been made by various people, so that it is more compact, better zoned, and less time is wasted, and so on, did you people use the latest scientific equipment available to be absolutely sure you would obtain mathematically the most efficient method of doing this?

MR. KOHL: I have not used any scientific machine, not a single computer.

CO-CHAIRMAN (*Mr. Watson*): You have not programmed it. Therefore you would admit, would you not, that it is possible that with the use of this technical equipment that is being available, it may be possible to come up with a design more efficient and more practical even than yours?

MR. KOHL: There is no doubt that continued study and assistance of the kind you are talking about, properly used, would produce a better design.

CO-CHAIRMAN (*Mr. Watson*): My question then would be is that if we are faced here in Canada right now with a situation where in order to make our medium and maximum security prisons work we need more maximum security facilities immediately; so would you not agree that we would be well advised to go ahead, build these immediately necessary maximum security facilities and perhaps develop with these new scientific new technologies available a plan to make the two systems work, even though perhaps there are deficiencies in it?

MR. KOHL: My answer to you, sir, is absolutely in the negative. It would not be wise, because your description of this scheme—your words are even though they have some deficiency. This does not have deficiency; this is a tragedy. What is being built at Ste. Anne des Plaines will be worse than St. Vincent de Paul Penitentiary, but with better plumbing and lighting. If you ladies and gentlemen in this committee were to be as aware of and had the experience we have, there would be no doubt in your mind, even if you did not know the blue side from the white side of a blueprint. And the time involved in correcting the situation, which is referred to as being one of my opinions, is not an accurate statement. When I was asked at the minister's office how long it would take, I said, "If you approved of this plan, we would be ready to go in four months."

I am told that government approval, getting it passed by the treasury, and all the various ramifications of political machinations will take several years; and I said Mr. MacLeod has told me this, and I must bow to his knowledge as superior to mine. I have not worked with the federal Government. All I know is that today you could have not only a set of working drawings and specifications, but if you called for tenders on what I am about to show you, in probably plus one more month you would have a far better plan, so that it would take five months. There is no need for this delay at all if you really want to correct the situation.

CO-CHAIRMAN (*Mr. Watson*): The second area of criticism was the division of staff to inmates, and you underlined the need for an increasing staff to inmates. Would it not be a realistic appraisal of the prison situation that where

you have guards who are armed and a staff that is unarmed working in the rehabilitative process, the distinction between the two groups rather than acting as a barrier, there may be barriers between the armed guards and the prisoners and barriers between the armed guards and the rehabilitative personnel; but do you not think this very distinction between the two groups of prison people is in fact an aid to the rehabilitative process rather than otherwise?

Mr. KOHL: First of all, sir, there is no place for an armed guard in any of these institutions except in the perimeter towers; and there should be no place where a custodial officer can get with arms without the approval of the warden. So the issue you are discussing is an issue steeped in the background of what we have known up until now; but it has been tried, and is going on. The only place where an armed guard and an inmate is involved with the possibility of being shot is if he tried to go over the wall or through the fence.

Now, as to whether or not the presence of armed guards in addition to this is advantageous to the treatment program, at this point, I would have to say my answer to you is based on no training in psychology or psychiatry, but my information from the people I have been in touch with, from the wardens down to the linemen, right in the line, is no, it does not help. I am sure the psychiatrist will give you a lot more technical information than others.

Co-CHAIRMAN (*Senator Benidickson*): I was hoping we could stick to anything that was architectural.

Co-CHAIRMAN (*Mr. Watson*): This wire was in there?

Mr. KOHL: It was set out there, and in the meeting there was a blueprint of the plans, with a red pencil line through it. I daresay that if you wanted you could go in there with a can opener and remove it.

Co-CHAIRMAN (*Mr. Watson*): You will demonstrate that to us when you show the slides, showing where the classification sections are in the old plan and the present plan and your plan, and its proximity to the medical, psychiatric and other sections.

Mr. KOHL: Yes. I think you will probably enjoy it better than my making a speech. I will show what these 19 points are.

(Slides then shown by Mr. Kohl)

The committee adjourned until 8 p.m.

Upon resuming at 8:15 p.m.

Co-CHAIRMAN (*Senator Benedickson*): Honourable senators and members of the House of Commons, when we commenced our very short supper adjournment I think it was understood that we had not completed the inquiries we wanted to make of the representatives of the Corrections Committee. My recollection is that Senator Fergusson has a prerogative—

Senator FERGUSSON: Thank you, Mr. Chairman, but the questions I had noted were really ones I wanted to ask of Mr. Kohl. I do not think I have any further questions.

Co-CHAIRMAN (*Senator Benedickson*): I am very sorry, because you did put a few questions and then gave the floor to somebody else. Are there any other questions to be put to Magistrate Kenrick or Professor Fornataro, or the others?

Mr. ALLMAND: I have some questions, Mr. Chairman. I had directed some to Mr. Kohl, and I said that I would keep some for this evening.

Co-CHAIRMAN (*Senator Benedickson*): Yes, I remember that. In the absence of Mr. Kohl to whom do you wish to address those questions?

Mr. ALLMAND: Well, to anybody on the panel. I have one for Mr. Kirkpatrick, and I think some others which can be answered by any representative present. Is it in order for me to commence now?

Co-CHAIRMAN (*Senator Benedickson*): If anybody has a protest then I want to hear it. Senator Cameron spoke to me before we adjourned at 6:45, and he said he had some questions.

Senator CAMERON: Mr. Chairman, I had some which I particularly wanted to ask Mr. Kohl, but he has gone so I shall have to save them for another time. However, I do want to ask Magistrate Kenrick a question.

You said that there were some 600 magistrates functioning throughout the country. This is not a too accurate assessment, is it? I think there must be more than that.

Magistrate KENRICK: I was referring to a comment which appears at page 49 of your minutes, where it is suggested:

... there are at least 350 magistrates, 150 county court judges and at least 100 Supreme Court Judges, some 600 people imposing sentences in this country with no guidelines, with no established principles under the Criminal Code or any other legislation...

I enlarged on that and suggested that perhaps—and I do not think it is pertinent; I think the gentleman making this reference was not endeavouring to be exact in his numbers. I could not tell you how many there are, but I think there are many more people sentencing in Canada in the magistracy than 350, because there are that number in Ontario alone. But, I do not think the figure is pertinent at all, and I do not think it was intended to be.

Senator CAMERON: No, and that is not what I wanted to ask you. You referred to the guidelines laid down for magistrates. One of the things I have noticed in the course of my travels about the country is that provincial Governments often appoint ex-R.C.M.P. officers to the position of magistrate. They are retired, and they are appointed to some local magistracy. My first question is: Would these local magistrates have the guidelines to which you referred?

Magistrate KENRICK: The answer, sir, would be that it varies from province to province. I feel that while we have made progress in certain provinces in the judicial areas in our approach to sentencing and the use of these guidelines, there are other provinces where these particular services are not available to the courts. But, there has been considerable progress made over the last eight or ten years.

For instance, in West Germany, as I understand it, they insist that the sentencing authority have legal qualifications. In other words, he must not be a police officer, or of any other trade. They insist that he has, first, legal qualifications, and then he must have at least three years in the correctional business. Now, in Canada, judicially established as it is, I do not think we have to take any cognizance of the fact that we perhaps cannot approach it from this avenue. West Germany is fortunate in that they were setting up their system right after the war, but what many provinces have endeavoured to do is what may be termed in-service staff training. In other words, the magistrates' associations in those provinces have endeavoured to carry out the wishes and the directives of the Fauteux Committee in its suggested appreciation by the Bench of the correctional procedures, the use of pre-sentence reports, and the entering into of an understanding of what services are given at the penal level and, indeed, at the non-penal level. Does that answer your question?

Senator CAMERON: Yes. The next one is related to—

Magistrate KENRICK: I think that is something that we are developing, and undoubtedly in future years we will become more uniform in our approach across the country as a Bench.

Senator CAMERON: I do not know whether you would care to answer this one or not, but would you think that the fact that a man has been an R.C.M.P.

officer for a number of years would necessarily be a good qualification for his being a magistrate?

Magistrate KENRICK: I suppose we could always accept the fact of being put a little on the spot here. I think in both lay magistrates and non-lay magistrates we have had examples of excellent people filling the position in both of those areas, but I do think this, that today with a much greater appreciation being asked of the Bench of the correctional services and the use of different techniques in sentencing—the use of pre-sentence reports and an understanding of the mental health facilities available—that with respect to a person sitting on the bench and sentencing, that if he has to start by obtaining an appreciation of legal methods and then an appreciation of this field of corrections, then he is faced with a mighty big task. I would think that a man who initially had at least an appreciation of the rules of evidence and other legal concepts that go with the Bench, would be much easier qualified to operate in the sentencing field as a magistrate, because he has only to acquaint himself with the correctional process and the developments in that field—and in recent years those developments have been quite considerable.

There is another aspect. This is not my criticism, but there is a feeling that a person who had lived his life in the policing area has developed a different philosophy towards an accused than has a person who has lived in perhaps the judicial area, or other areas such as those of the social sciences. I do think there is a question as to whether that man might carry into his judicial valuations a policing concept of some of these procedures. On the other hand perhaps you could argue that his experience in this field has given him an advantage over other persons. I would not care to make an assessment. Much would depend upon the individual himself.

Senator CAMERON: That is right. You put the emphasis where I thought you would, that an ex-police officer might carry over the prosecuting approach rather than the correctional approach.

Magistrate KENRICK: So often in the judicial and legal field it is not actually what you do and say but what might appear to be the situation, and the accused person if he had been associated with this person in the policing area prior to his appearance in court and had met this man not as an officer of a law enforcement agency but a member sitting on the bench, he might tend to feel that he is in rather a difficult situation, I do not know.

Senator CAMERON: I was encouraged when you mentioned the amount of pre-sentence information. Is it your belief or knowledge that, say in Ontario, for example, most of the magistrates sitting on the bench have this pre-sentence information available to them before they take action?

Magistrate KENRICK: Yes. We have done surveys in the last six or seven years. We have had effectual probation service since 1957 or 1958. We have now probation service available to all jurisdictions and all courts and it has been noticeable—

CO-CHAIRMAN (*Senator Benidickson*): This is pre-sentence?

Magistrate KENRICK: This is pre-sentence, which the court requires.

CO-CHAIRMAN (*Senator Benidickson*): Which you mentioned before the dinner adjournment.

Magistrate KENRICK: Yes; and it was obvious at first—and I think this is a natural situation, and certainly one with the bench, when the pre-sentence report and this type of evaluation of the accused was first recognized, we found when we looked statistically at the use of the pre-sentence report, that it was sporadic, and that some of the old school were not used to using this report and did not in effect use it as much. I think the evidence of the total number of pre-sentence reports used in Ontario over the past five or six years would

indicate that the bench is now using a pre-sentence report and an evaluation. Statistically I believe there are about 15,000 people on probation at the present time, and I think it is steadily rising each year, and in each jurisdiction it is creating the need for probation officers, and this need has increased.

We have been proud of this service in the Province of Ontario, but have been mostly pleased to see that it is developing in other provinces. We are very pleased to see that today they are developing this service in the Province of Quebec. In reading Stuart King Jaffray's book on "The Sentencing of Adults in Canada," we find that where the pre-sentence report is used in this approach to the accused, there is a tendency to use non-penal classification of the accused before resorting to penal classification; there is a tendency to look to every avenue of service, if you wish to put it that way, to the accused, or every avenue of dispositioning. In many instances where a pre-sentence report is used it has indicated that there is an emotionally disturbed person, and it has in many instances resulted in that person being referred to not a penal institution but to a mental hospital, to a clinic, either a penal clinic or non-penal clinic, but in many instances non-penal. It has resulted in many instances where the individual has been able to continue his social connections, his married life, keep his job, and at the same time be either an outpatient or inpatient in a hospital or institute.

Senator CAMERON: I am very much a layman in this field. What is the procedure when a man is picked up and comes before you for trial, and you say, "Now, I want to get a pre-sentence report on him," and in the meantime he is detained in custody at the local jail.

Magistrate KENRICK: In the first instance, until he has been found guilty it is an established principle that the courts or anybody else has no right to interfere with his personal life. The Benson case established quite definitely that we can obtain the pre-sentence report after a finding of guilt. So there is a remand after the finding of guilt, either in custody or not in custody; and in many instances he is not retained in a jail or cell, he is remanded on his recognizance to appear again before the court. During that week's time or two weeks we receive the pre-sentence report. I have five volumes on my desk, in my own small district—small from the point of case load, of people who have come in and had the pre-sentence report, and whom we have found persons with emotional difficulties and were committed to the Ontario Hospital for examination; and on examination we have found that they really had no criminal significance but were relegated or sent to an area for medical help for treatment. It is a matter of classification of the individual prior to sentence. In the old country they do that classification before trial. It offends our sense of justice to interfere and have people obtaining a pre-sentence report before finding of guilt.

Senator CAMERON: From whom do you get the pre-sentence report—in Haileybury, for instance?

Magistrate KENRICK: In Haileybury I have three probation officers there all professionally qualified officers.

Senator CAMERON: Social workers, ministers?

Magistrate KENRICK: Two of them are graduates in social work, and one qualified to do in-service training with the department. The Ontario Probation Service has an excellent training program for its probation officers, and I think we do find the value of that probation report is equated to the actual capacity of the probation officer. You weigh the officer in effect in his presentation of the report.

Also, I think a good deal of training is required in the interpretation of the report by the bench. There again we have worked with the people in the forensic clinic area and mental health area in the study of their procedure. A typical example is the case of an exhibitionist who has done something that was

obnoxious to the public and obnoxious to his community. In many instances we work through our forensic clinic—and I note they are developing also in other provinces—and from their predicted data after six years experience, we know—

Co-CHAIRMAN (*Senator Benidickson*): Who are “we”?

Magistrate KENRICK: The magistrate, the man who is sentencing him, knows—

Co-CHAIRMAN (*Senator Benidickson*): With whom?

Magistrate KENRICK: The association, in the first instance, with the probation officer, and in the second instance with the person in the clinic. We can place a certain evaluation on this report.

Co-CHAIRMAN (*Senator Benidickson*): Before sentence?

Magistrate KENRICK: Before sentence, and instead of serving 60 or 90 days in jail the man perhaps becomes an outpatient in the forensic institute in Toronto and continues his job, and so on. With this approach to the sentencing process the task of the man sitting on the bench becomes much more rewarding, and we do not think strictly in terms of jail sentence and fine but in terms of diagnosis, evaluation classification, and sentencing to an area of treatment needed by the patient.

Senator CAMERON: You referred to the role of the probation officers in giving information on which you base your pre-sentence report. Have any steps been taken to bring these probation officers in a region or in a province together?

Magistrate KENRICK: Yes. The probation officers of the province of Ontario had their annual conference and regional conferences over the last five or six years. About six years ago the magistrates association felt that we should be much closer associated in regard to greater use of pre-sentence reports. We have had annual conferences with probation officers sitting in, and we have been at meetings of their association. Although many of my colleagues would frown on it, recommendations on correction and training have been coming to the Bench.

Senator CAMERON: I assume you would think it most desirable that this service move forward in our penal system for the non-custodial treatment of offenders?

Magistrate KENRICK: Yes, and we move forward to non-custodial but I think we always recognize that there will be a need for the custodial.

Senator CAMERON: Yes.

Magistrate KENRICK: We recognize and appreciate the significance of our penitentiary service and reformatory services in the provinces.

Senator CAMERON: I am thinking of the cost of \$3,000 or \$4,000 a year to keep a man in jail, whereas if he is on probation he could retain his job, while reporting to the authorities.

Magistrate KENRICK: The figures in Ontario are rather astonishing. Quoting from memory, the earnings of people on probation are about \$22 million a year. There is also correction in the form of restitution. There is also the retention of the family unit rather than put the man in jail. None of us take the attitude that we can eliminate jail sentences. It is a matter of classifying those who do not need penal treatment and those who do.

Senator CAMERON: In the development of a probation system there can be a saving in cost but there is also the saving in human resources, there is the possibility of preserving the individual as a more valuable member of society.

Magistrate KENRICK: This is recognized. The correctional aspect of sentencing has developed on a pilot project basis across Canada. It is becoming far more common in its general import across the country. The Bench has had to adjust

from the classical form of sentencing to the new individual philosophy of sentencing. We note in our reference to the penal system, both provincial and federal, that they are adjusting from the custodial form to the correctional and rehabilitation form.

In both areas, over the years, we have seen some stubborn resistance.

On the other hand, looking at the systems which have developed in Holland, Denmark, France and other countries, I do not think we have to take a second seat in the degree of development in the last ten years in penal matters, whether federal, provincial or judicial. I would like to say legislative, from what we are getting in the form of parliamentarian adjustment to these new procedures. There have been amazing adjustments, but we still are not happy with all facets.

Senator CAMERON: You would not say we are, in the first place, with our maximum security institutions like St. Vincent de Paul.

Co-CHAIRMAN (*Senator Benidickson*): We have gone a little off the track, in this discussion of this aspect of the penitentiary system.

Magistrate KENRICK: I prefer to look at the areas where we recognize an advance in the federal reform area. We referred to this program involving \$100 million.

Rather than consider what we say, as Canadian Corrections Association or as your Canadian Committee on Corrections say in its report, as being criticism of the penal program in toto, I would emphasize what we have subscribed to as being pretty happy with, as being complete development, and then accept that we all have flexibility in our philosophy and will get together and modify wherever necessary.

Co-CHAIRMAN (*Senator Benidickson*): Your Worship, we are very grateful for that, but I am going to remind members of the committee, and be still in their hands—

Co-CHAIRMAN (*Mr. Watson*): I have a short supplementary to Senator Cameron's question, and that is, do you have any specific recommendations to make to us, since you have raised the topic of probation officers, as to how we are to get more people?

Magistrate KENRICK: Our executive secretary has just referred me to a report on probation that we will shortly release.

Co-CHAIRMAN (*Senator Benidickson*): Mr. Allmand, have you any questions?

Mr. ALLMAND: Yes. I have a question for Mr. Kirkpatrick. This afternoon in answer to another question Mr. Kirkpatrick was talking about the reduction of the amount of custodial influence in maximum security prisons. I cannot remember the exact words he used, owing to the time that has elapsed, but I wanted to ask him whether he thought that, if we did reduce custody to a certain extent, to the extent that I thought he was suggesting, might we have trouble in getting staff to work in the penitentiaries, especially in the maximum security penitentiaries? I understand that we now have difficulty in getting teachers, psychiatrists and social workers and such people, that they prefer working in other places, and I wonder whether, if we reduced this custodial aspect in the maximum security prisons, it would become even more difficult to get staff.

Mr. KIRKPATRICK: Mr. Chairman, Mr. Allmand, I do not think that was quite the point of my reply. I cannot recall in detail what my reply was any more than you can, Mr. Allmand.

Mr. ALLMAND: I can quite understand that.

Mr. KIRKPATRICK: But, certainly, I think we are not quarrelling with the necessity for maximum security. We feel that there is a need for some maximum security. What we are opposed to is the design of this particular institution, which we think has a basic philosophy of custody which is carried far beyond

what is necessary. In any penal institution, no matter what grade, maximum, medium or minimum, custody is a factor. The warden is not told to treat anybody, he is told to hold him. Any programming that goes on does so through the enlightenment of the administration and the staff of the particular institution, and attempts are being made at treatment or training or both in our institutions.

I think it is true that it is difficult to get professional staff to work in penal institutions. They have not been in the past hospitable environments for professional people to work in, because too often the professional people have felt frustrated by the custodial atmosphere of these institutions, and this is particularly true of maximum security.

But the import of your question is that this would be so because of some lack of protective mechanism in the custodial setting.

Mr. ALLMAND: Yes. I was wondering whether they might be afraid.

Mr. KIRKPATRICK: And my point is that I do not think that this would be true; in the first instance because there is a greater acceptance today by the inmate culture of the treatment staff than there has been in the past; and, secondly, I do not think we are suggesting that there should be any fundamental lack of security in the custodial institutions that are built. But we feel that the design should be of a different nature so that it would permit of three very fundamental things which are essential, if we are to have change of human beings within a custodial setting, and those three things are—

Mr. ALLMAND: Yes, I understand that part.

Co-CHAIRMAN (*Senator Benidickson*): Let him finish, please.

Mr. KIRKPATRICK: I would like to put this on record. The first is the facilities for program development; the second is free circulation of inmates, in which they can have some choices and some responsibility and be tested out in their environment and be part of an environment and not regimented any more than they must be in a penal institution; and the third, which is probably the most important of all, is staff-inmate relationships. If there is to be any correction of human personality, any change of human personality, it can only be through the interaction of human personalities, one upon the other, and not by any mechanical means. This is the difference between what the penitentiary system has talked of as static custody and dynamic custody. We think this institution that is proposed is basically concerned with static custody. We are more interested in an institution that will permit freedom and fluidity within the institution and allow of dynamic custody.

Mr. ALLMAND: Yes. I understood what you were aiming for, sir, but I just wanted to know whether you also thought that this might not involve some problems for protection. You say it will not, however.

Mr. KIRKPATRICK: I do not believe so, sir.

Mr. ALLMAND: That is fine. I have just one final question, Mr. Chairman, which I would direct to Magistrate Kenrick.

Magistrate KENRICK: Excuse me, Mr. Allmand, but, Mr. Chairman, I think Mr. Ciale would like to speak to the previous question, if he might.

Mr. ALLMAND: Fine.

Mr. KIRKPATRICK: Yes, because he has been in these institutions.

Mr. CIALE: I quite endorse what Mr. Kirkpatrick has said. I do not think that there is any professional person who would not go into a penal institution because he was afraid of an inmate.

There is no such thing as an inmate who will attack without provocation of some kind—either by the bricks or the arrangement or through provocation of some kind in the interaction. I have met and faced and turned my back on the

most dangerous criminal in St. Vincent de Paul and I have never been attacked or had any cause for fear.

The reason why professional staff will not stay in the penitentiary is that they have no decision as to policy of treatment. This I think is the essential crux of the problem why professional staff will not stay there.

CO-CHAIRMAN (*Senator Benidickson*): Will you repeat that: It is because they have no opportunity to make policy on the treatment, is it?

Mr. CIALE: On treatment and allocation: treatment allocation, treatment environment and programming.

Mr. ALLMAND: And you are referring to psychologists and psychiatrists?

Mr. CIALE: To psychologists, psychiatrists, social workers and so on.

Mr. ALLMAND: And teachers as well?

Mr. CIALE: Yes. There is a tendency to have the treatment staff isolated in one section and to have the custody or correction in another section, and there is always some problem involved as to who will have the final allocation, and this is the great problem, I think the reason why professional persons tend to stay for a few years, and then, when they see that they have no decision as to policy, tend to leave.

It can be debated, but there is no question in my mind that a professional person will fear an inmate.

Mr. ALLMAND: We were told when we went to St. Vincent de Paul that they had advertised for psychiatrists in Canada, the United States and even, perhaps, in Europe and that they had had very few replies and were not getting the applicants that they wanted. We asked why, and somebody there, it may have been the warden himself, said that a lot of people said they did not want to work there. Apparently it had nothing to do with policy problems. They said they did not want to work in a prison, not just because of fear of inmates but because of the atmosphere, the distance from the city, living out there and that sort of thing. He said this had a lot to do with it, the total environment of working in a prison.

Mr. KIRKPATRICK: You come back at that point to the question of location of institutions, which Professor Fornatero spoke of earlier.

We have an institution being built at Warkworth where there is no hotel or motel for visitors coming into that community, apart from any amenities or any kind of resources for the institution.

Mr. ALLMAND: This was St. Vincent de Paul, Mr. Kirkpatrick?

Mr. KIRKPATRICK: But he was speaking generally, Mr. Allmand, and I am stressing that this is the situation with many of these isolated institutions, so that, if institutions are going to be located in this kind of geographical isolation, then we are bound to have this kind of reaction.

CO-CHAIRMAN (*Senator Benidickson*): From a psychologist and from other professional types of people.

Mr. KIRKPATRICK: That is right, from professional people. The other aspect of it is—and to be quite fair it is exceedingly difficult to get professional people in any area of the professional life of our country, because they are in short supply—social workers, psychiatrists and psychologists are most difficult to come by from any avenue of their professional life. There are just not enough of them.

I think this illustrates too what Professor Fornataro said earlier that in institutions there is just not going to be in the present or in the foreseeable future enough individual clinical treatment facilities or staff to go around, and therefore the big function that they should perform is to train new staff, and I would like to add that to the reply given to Mr. Winch earlier, which was rather an incomplete reply because he asked me to give a whole chapter of a book in a

few words which is very difficult to do. This is the part of the problem we have to face in Kingston Penitentiary; we have to have this staff majoring in the training of other staff in human growth behaviour and in understanding and in discipline. We do not have enough there for individual psychotherapy, social work and psychology.

Mr. ALLMAND: On page 2 of your brief you set up certain priorities, and you say if we have to go ahead with the building program, the second priority is recommended, that the medical and psychiatric units be given high priority in the belief that many inmates could be more satisfactorily handled in such units. If that is done, where will you get the staff?

Mr. KIRKPATRICK: This is going to be a very real problem.

Mr. ALLMAND: If we do not build the other prisons which you say should be postponed, and build these medical and psychiatric units as first priority, what good will it be if we do not have the staff?

Mr. KIRKPATRICK: It will bring the disturbed inmate into medical correction centres; it will bring them out of the isolation where some of them are kept for three months or for six months because nobody really knows what can be done about them, and bring them into a setting which will be hospitable and suitable for the treatment of these disturbed people. It is proposed that one of these units should be very close to Kingston, and one very close to St. Vincent de Paul in Montreal so that there will likely be some resources available in those communities to give them medical treatment in a medical milieu. We must go ahead and isolate this kind of disturbed person in this kind of environment rather than keeping them in a custodial environment.

Mr. ALLMAND: I am not disputing that that is desirable and that it must be done, but you said to postpone building to give these priorities? Do I gather that you would go ahead anyway despite the fact that help is scarce?

Mr. KIRKPATRICK: You must read the context in which this was said, and that is that we want you to stop the building of any more of these maximum security institutions and take out from the existing ones the disturbed people and place them in medical correction centres where they should be, and not in those special detention units which are again punitive. They should be brought to places where they can be treated. If a man smashes up his cell, we regard it at the present time as willful behaviour, but he is still a disturbed man, and if he cannot be handled in the institution, he should be transferred, in my opinion, to a medical correctional centre for treatment.

Co-CHAIRMAN (*Senator Benidickson*): Are there any other questions to be asked of members of the Corrections Association?

Co-CHAIRMAN (*Mr. Watson*): I have some, but if you want to proceed with the other witnesses we can come back to them later.

Mr. KIRKPATRICK: There should be one correction made in your minutes of the meeting of January 24th. There on pages 59 and 60 the Solicitor General refers to the Ouimet Committee as a voluntary group. This must have been an error on his part. This was a government appointed Commission, appointed by the then Minister of Justice. This should be corrected.

Co-CHAIRMAN (*Senator Benidickson*): There is some suggestion there might be some further questions. I think you have done a noble job.

Co-CHAIRMAN (*Mr. Watson*): I have some questions for Mr. Kirkpatrick. Mr. Kirkpatrick, you mentioned earlier this afternoon that the government plan for the maximum security prison in Ste. Anne des Plaines and any others they have in mind are based on the theory of control and you say this is not necessary in a maximum security system.

Mr. KIRKPATRICK: No, that is not what I meant.

Co-CHAIRMAN (*Senator Watson*): Did you say this or not?

Mr. KIRKPATRICK: If I gave that impression, I did not mean to say that. In maximum security prisons and in fact in all prisons treatment takes place within a custodial setting of different degree depending upon the setting, but the treatment depends to a great degree on the philosophy involved, whether it is a philosophy of control or a philosophy of change, and I said that it seemed to me that this present design was based on the philosophy of control. Now, I realize control is necessary in any operation. I commanded three ships in the Canadian navy during the war, and I know what control means. But it depends on what the objective is, and the objective in this custodial setting should be change. Because here you have a man who is coming back into the community. We must remember that 98 per cent come out.

Co-CHAIRMAN (*Mr. Watson*): I am afraid as a layman I have not got it clear in my mind what relative functions the maximum security prison and the medium security prisons have. I find it very difficult to find out who has planned these together and how they get the response.

Mr. KIRKPATRICK: Well, there is a regional classification operation in Kingston. First of all, we have Kingston, and we have Joyceville and we have Collins Bay. There are different functions assigned to each of these institutions. We will soon have Warkworth which is an hour and a half away. I understand Warkworth is intended to be to a large extent for young offenders. I may be incorrect on that. But different functions and different degrees of custody will be assigned to each institution. At the present time all admitted inmates from Ontario have to go to Kingston Penitentiary first because this is the institution for intake. It is proposed by the Commissioner that the reception centre is the place where they would go unless they are well known recidivists whose records are already known. New inmates would go there and then they would be sent to any one of these other centres depending upon the classification made at the reception centre. The maximum security prison would be for those who were considered to be dangerous or who were known to be escapees. But otherwise there would be different kinds of functions assigned to these different institutions.

Co-CHAIRMAN (*Mr. Watson*): Taking the Ontario situation, it is my understanding that there is a desperate need for a maximum security prison there to take the load off the medium security ones which you have just described.

Mr. KIRKPATRICK: No, you are actually opening a Warkworth in the spring of this year. This will reduce Joyceville and Collins Bay and, presumably to some extent, Kingston. I know some men in Kingston hope they will go from Kingston to Warkworth. This will reduce the pressure on the whole system.

Co-CHAIRMAN (*Mr. Watson*): You are saying there is no immediate pressure for an additional maximum security prison in Ontario—is that what you are saying?

Mr. KIRKPATRICK: I would say none of these institutions—Kingston is too large and should be reduced as soon as it can reasonably be done, but not at the expense of building a design which may, in our opinion, be a very bad design. I would say that situation has been intolerable for a long time, and particularly with the relief that will come from Warkworth, this can probably be tolerated for 1-1/2 years or whatever might be necessary to redesign and build a new type of maximum security institution.

Co-CHAIRMAN (*Mr. Watson*): Do you feel the type of maximum security design outlined by Architect Kohl this afternoon fits into the rehabilitative program—

Mr. KIRKPATRICK: The custodial program, the total program. I am not supporting Kohl's design. I do not think it is our function here. This is a design that has been suggested. It is a matter for others to determine if it is entirely satisfactory.

I personally made the suggestion quite some time ago—and I think it has never been satisfactorily explored and no explanation of it given—that it would be quite possible to take the medium design we all approve of, a campus type of design, put a security perimeter around it, which is very fundamental security, and the walkways which are now open, but close them to the various areas in that institution, and put certain controls in different areas of it, because each of the present areas in the medium security are quite secure within themselves.

So, if you wanted to take a design and examine it, you could take the medium security design, examine it, and make it secure from a perimeter point of view, and you might very well have something at no extra architectural cost.

Co-CHAIRMAN (*Mr. Watson*): You mentioned during your testimony, Mr. Kirkpatrick, that you would like to see a maximum inmate population size of 250.

Mr. KIRKPATRICK: 200 to 250.

Co-CHAIRMAN (*Mr. Watson*): You said, where the staff really know the inmates. And you also mentioned this evening the necessity of interaction of one personality upon another. Do you not think it is really more a question of staff training than the size?

Mr. KIRKPATRICK: No, it is size. Would you speak to this, Johnnie?

Professor FORNATARO: Here, in the matter of determining numbers, it becomes to a great extent a matter of opinion, because there are no studies, to my knowledge, as to optimum population sizes for this sort of thing. But staff training can be a number of things. If you are thinking in terms of qualification of personnel permitting them to engage in the control of the movements of inmates, for example, in a more efficient manner, that is one thing. This does not enhance the social relationships which have been described as the fundamental grounds on which any kind of attitudinal and behavioural change must arise. There are only so many individual people to whom the influence of a given individual staff person can extend. We have only a capacity intimately to affect a limited number of people, so there is a numerical factor here and not simply one of training of staff.

Co-CHAIRMAN (*Mr. Watson*): But is it not a fact we have not yet reached a stage in our appreciation of the human mind where we can determine that everyone in a prison or a set number in a prison are capable of being influenced in the way you have described? We do not know yet how many can be influenced this way, and it may be half cannot be influenced, and we have no idea of that.

Professor FORNATARO: I have no quarrel with the notion we are very much lacking in precise and specific knowledge as to the way in which to bring about the kind of change that is desirable in any given categories of individuals. But what we can say, I think with a degree of certainty, is that we are not going to learn much more unless we get away from mass controls and mass units of individuals.

Co-CHAIRMAN (*Mr. Watson*): It would appear to me that a 450 or a 500 unit prison is less expensive to build and to run, per man, than a 250 unit size. We had testimony two weeks ago to the effect that American prisons have up to 2,000 and 3,000 inmates, and they are going up in size. You are recommending we reduce it to 250. We, as a committee, are faced with the responsibility of trying to give some advice to government as to the most efficient way to deal with this problem.

Professor FORNATARO: I appreciate the dilemma this committee faces in this respect, and I am familiar with the arguments with respect to the economies

which are effected by larger institutions. I am not at all persuaded by them, however. I think there is a number of unexamined and hidden factors which are involved as you get into the mammoth type of institutional structure which has been referred to. It has become a rather commonplace practice to find that upon filling an institution designed for 200, you then double the capacity by making additions. This keeps on going. This is the experience both here and in other countries. You have overhead costs which, I think, outweigh very significantly the possible additional costs which may be the factors which proponents of the point of view have in mind when they say small institutions are more expensive to build.

Co-CHAIRMAN (*Mr. Watson*): But I think the point we want cleared up here tonight, if possible, is as between the 250 inmate prison and the 450 or 500 inmate prison, whether it is one or the other is pretty well a matter of opinion.

Professor FORNATARO: No, I do not think so.

Mr. KIRKPATRICK: No. Even if it were, you are talking economically too here. It is a question of where you want to put your investment. Do not forget that the Archambault committee in 1938 made a cost accounting study of, I think it was, 136 inmates. They found that to convict and maintain an inmate, on an average basis, cost over \$25,000, for one person. When you take the last given cost of penitentiaries of \$3,074 per inmate per year, this is not an insignificant thing. In today's money, the Archambault committee might have said \$50,000 per inmate.

Co-CHAIRMAN (*Senator Benidickson*): But you were combining two things, the whole process of judicial arraignment and conviction—

Mr. KIRKPATRICK: That is correct.

Co-CHAIRMAN (*Senator Benidickson*): —and incarceration.

Mr. KIRKPATRICK: This is the cost of our failure rate, and our failure rate is about 60 per cent. We made two studies in co-operation with the R.C.M.P., fingerprint studies, and we found in each case approximately 60 per cent of the men had had fingerprint arrests within two years of their release. Now, this cannot be said to be satisfactory. These were penitentiary men. We must try by all the means in our power to reduce this failure rate. This is good economy, apart from anything else. It not only costs you money for the upkeep of that man—\$3,074 per year—but his family are being kept on mothers' allowances and public assistance, of which the federal Government pays a considerable portion. You not only have that but the man is not earning in any real sense, and he is not paying taxes, so he is a dead loss to the economy.

Co-CHAIRMAN (*Senator Benidickson*): A very good point.

Mr. KIRKPATRICK: This is the kind of thing that we are hoping can be improved.

Co-CHAIRMAN (*Mr. Watson*): But I come back to this one point. We had an admission here that we still do not know enough about how much we can influence a certain type of inmate by the inter-action of one personality upon another.

Professor CIALE: But can we agree on this, Mr. Watson, that the possibilities of even ascertaining this are pretty remote as you expose a single officer to a very large number of inmates. I am rather concerned, I must say, about the notion that when institutions are conceived and built they must be built along the lines of the models we are accustomed to. Here is one place where I believe we ought to, as a matter of social policy, promote the idea of early obsolescence. Instead of building buildings to last we ought to build buildings that will not last, simply because we hope that we are going to learn something within the very near and foreseeable future which will necessitate changes in our management of offenders which ought to be reflected in structures which are flexible, or

which have served their purpose and which can be turned over to other purposes.

Co-CHAIRMAN (*Senator Benidickson*): Or destroyed.

Professor CIALE: Yes, or destroyed. We have learned this in the care of the mentally ill, and we are stuck in both the penal field and the mental health field with buildings that should have been destroyed years and years ago, and which have inhibited progress for a long time.

Co-CHAIRMAN (*Mr. Watson*): We had evidence last week from the psychiatrist at Kingston to the effect that you could not use the same sort of treatment or therapeutic approach with male prisoners as you could with female prisoners. It would seem that his testimony together with the admission that you have made that we really do not know how many people we can influence by this approach is at least one reason why we should go ahead with prisons accommodating 400 to 450 inmates rather than reducing the number down to 250 right away.

Mr. KIRKPATRICK: Is not the admission just as true on the other side, because we will never know until we try.

Professor CIALE: And what we do know is that there are institutions such as Borstal institutions and some of the smaller penal institutions in the smaller provinces where it has been possible to work with smaller groups, and where the results seem to have been a great deal more promising. Now, these are not stringent research findings, unfortunately, but they are a great deal more promising than the results which we tend to get from large prisons under whatever jurisdiction.

Mr. KIRKPATRICK: The province of Ontario has made a policy declaration that they will build no institution now for more than 200 people. They have done a lot of research on this, or they have a lot of opinions on it one way or the other.

Co-CHAIRMAN (*Senator Benidickson*): This has been extremely interesting. I am still in the hands of the committee, but I do have my eye on the clock. I do not like to be always looking at the clock, but we do have some other witnesses to hear this evening. Does the committee wish to continue this discussion?

Mr. WINCH: I think we should hear the other witnesses, interesting though this is.

Co-CHAIRMAN (*Senator Benidickson*): I would like to thank these witnesses very much indeed.

Magistrate KENRICK: Mr. Chairman, I should like to say on behalf of the Canadian Corrections Association how deeply we have appreciated this opportunity of appearing before you.

Co-CHAIRMAN (*Senator Benidickson*): You have been most helpful.

I think my co-chairman has previously spoken to the next two witnesses who are appearing before us, and I should like him now to give a little introduction of them to the committee.

Co-CHAIRMAN (*Mr. Watson*): I should like for the committee's clarification and to prevent any misunderstanding, to tell you that Dr. Wilde and Dr. Freedman who will be testifying now do not pretend to be penology experts. The question of sensory deprivation was raised at one or two of our previous meetings, and it was thought to be a good idea to have someone who has some knowledge of this subject testify before the committee. They will testify on the current state of scientific knowledge on sensory deprivation. They have been hired by the federal Government, the Penitentiary Branch, to do pure research as opposed to applied research on sensory deprivation, and they will be able to tell us who the other experts on this subject in Canada are. What I wanted to make absolutely clear was that they do not pretend to be experts in penology,

and that they have not seen the special detention unit at St. Vincent de Paul. They are going to give a purely scientific resumé of the purely scientific knowledge that is available on sensory deprivation. I will give you the professional backgrounds of both Dr. Wilde and Dr. Freedman.

Dr. Freedman has a B.A. from Ohio State University, and an M.A. and a Ph.D. from the University of Missouri. In 1965 he was appointed Assistant Professor of Psychology at Queen's University. He is actively engaged in research investigations on physiological contributions to behaviour.

Dr. Wilde has a B.A., M.A. and a Ph.D. from the City University of Amsterdam, Department of Psychology. From 1959 to 1964 he was Research Psychologist at the Psychosometric Research Unit, Wilhelmina Hospital, City University of Amsterdam, and during that same period he was a part-time lecturer at the Universities of Amsterdam and Utrecht. From 1964 to 1965 he was Visiting Professor, City University of New York (Hunter College), and since 1965 he has been Associate Professor, Department of Psychology, Queen's University.

The research project that is currently conducted at the penitentiaries in the Kingston area focuses on a number of physiological and psychological processes under the influence of sensory deprivation. More in particular, the impact of sensory restrictions of inmate volunteers on general physiological activity level as measured by a match box sized radio device will be further investigated. This activity level has major implications for psychological characteristics such as motivation, interest, stress response, emotionality and capability for learning which will be studied with special reference to the development of future treatment and management procedures in prisons. The research teams consist of Dr. G. Scott—the psychiatrist we heard last week—Professors N. L. Freedman and G. J. S. Wilde of Queen's University's Psychology Department, and P. Gendreau as research assistant.

I do not know which of you would like to start off.

Dr. G. J. S. Wilde, Associate Professor of Psychology, Queen's University:

We did not bring prepared statements for you, so perhaps it would be best to open with any questions you may have, with that reservation.

Mr. TOLMIE: I have one pertaining to claustrophobia. I feel, perhaps from personal observation and from talking to other people, that we all have this latent sensation. Are there certain types of prisoners who should not be kept in that type of incarceration they now have, or should they have other accommodation? How important is this particular phobia, and what causes it?

Dr. WILDE: There has been quite a good deal of research as to response to sensory restriction. Most of these research projects have been rather unsuccessful, and unfortunately it has not been so far possible to predict what kind of people are going to tolerate this situation very well and what kind of people will not. There are some conflicting indications, and some investigations have found that males have a greater resistance to this situation than other investigations have found with females. So far I think a general conclusion from the literature is that the best way to find out how people tolerate situations of sensory restriction is to submit them to a preliminary condition of sensory restriction and see how they behave, feel and respond to the situation. It has not been possible to make any definite predictions as to who is going to tolerate the situation very well and who is going to break down and how soon.

Mr. TOLMIE: I enjoyed your discourse, but I do not think you answered my question. I am trying to relate this to one specific condition, and that is claustrophobia. Perhaps I myself have had a touch of it, and perhaps all of us have. I have often wondered whether certain prisoners who perhaps have this latent

condition, if we wish to do anything so far as improving their condition, should be placed in a special custodial situation. In other words, I can visualize certain prisoners with this condition who would not lend themselves to any treatment because of the tremendous psychological impact of being closed in. I am not talking about sensory restriction but about being shut up in a confined space and having this tremendous fear.

First of all, I would like to know what causes it, how prevalent it is, and whether it is a factor in incarceration.

Dr. WILDE: I really tried to give an answer to your question in what I just said. There are so far as I know no definite tests that determine a person's tolerance for claustrophobia situations; they simply do not exist. This is not only true for this particular characteristic but to other latent characteristics. The other aspect, namely, whether they deserve any particular kind of custodial care seems to be a typical penal problem I cannot properly answer.

Mr. TOLMIE: Can you predict a percentage? In other words, if you cannot say this particular person will react or not, is it possible to say out of a given hundred that we can expect so many to have a bad reaction?

Dr. WILDE: Well, in various experiments carried out it has been observed that many people refuse to collaborate with the experimentists. After some have been confined for two days, others three days, and some after a week, a substantial percentage, I would guess some 40 per cent, do not stand the situation of extreme and social as well as sensory confinement for more than three days. This we get only from volunteers; these people collaborated and were not forced to collaborate.

Mr. WINCH: I have a supplementary question. Have you any knowledge yet whereby you can predict the reaction or the effect on an inmate who goes from what we might term the regular cell to an open cell where he can see out, or goes from a cell that has bars into a cell of the type we have in the new institution now just outside Quebec, where it is all walls and ceiling and the door is solid? In other words, you see nothing but that just around you. Have you any knowledge so far as to what you can predict of the reaction and result emotionally and mentally, and being able to combat it and get a sense of rehabilitation if you are put under those conditions?

Dr. WILDE: Could I ask you a question in turn? Do these people have books, t.v., radio, magazines, and other distractions available in this situation, or don't they?

CO-CHAIRMAN (*Senator Benidickson*): Not in the cells. They have them in the institution.

Mr. WINCH: No, I am speaking of those put into disassociation, which they have today. Now, they have a radio, artificial light, and in most cases are allowed pencil and paper. Mr. MacLeod can tell you better than I can. So far as my knowledge goes, in all cases they are allowed books, but they are completely surrounded, and they do not know if it is daylight or dark, and cannot even see into a corridor; they are in a world of their own. What is the sensory effect, if you can tell us?

Mr. ALLMAND: Of course, they are allowed out.

Mr. WINCH: Up to half an hour a day.

Mr. ALLMAND: They are allowed out in the yard, so they know if it is light or dark.

Mr. WINCH: For 23 1/2 hours they are not out.

Dr. WILDE: Apart from the fact that they eat three times a day.

Mr. WINCH: They eat, but they don't go out to eat, and if they do they step from the cell door into the corridor, pick up the meal and go in. I have watched them time and again in prisons right across Canada.

Dr. WILDE: The tendency is to feed people during the day rather than at night certain types of food.

Mr. WINCH: But there is this wall in a world of their own. What is the sensory reaction and potentiality?

Co-CHAIRMAN (*Senator Benidickson*): Mr. Winch, are you speaking about conditions in the institution which this committee visited before it was opened? Is it open now?

Mr. WINCH: No, but it is also in every penitentiary.

Co-CHAIRMAN (*Senator Benidickson*): I see; you are not speaking of a solitary situation.

Mr. WINCH: All the penitentiaries have this type of cell.

Dr. WILDE: As far as I can say anything definite, I can say something about the results of various experiments that have been taken, but to some extent it is difficult for me to judge to what extent the situation you have depicted is similar to the situation scientifically controlled, etc., etc., in the experiments I have some knowledge of. However, it does appear to me that the situation you just sketched is very similar indeed to a number of experimental situations that have actually been realized in experience on sensory restriction.

There are two types of experiments. One group consists of experiments in which the amount of sensory input in terms of the amount of sound and social distraction is minimized to almost zero level. These are experiments in which there is some illumination, some noise without any definite characteristics, such as noise produced by an electric fan.

The second group of experiments, which are usually labelled perceptual deprivation or perceptual restriction, are characterized by great monotony, and not necessarily by zero levels of stimulation.

This distinction is particularly relevant to your question, as it has been shown in various investigations that the effects of monotonizing the stimulation situation are far more serious than the effects of limiting the amount of stimulation. That is, in a situation in which there is only very dim illumination, and in which there is some sound but it does not have a meaningful pattern to the subject, the effects, not only upon his physiological characteristics—about which Dr. Freedman can tell you more—but also on various characteristics of emotionality, his attitude, cognition, recognition, thinking, et cetera—in these experiments it has been shown that the effects are more detrimental if the situation is monotonous rather than no stimulation at all.

I would guess that if a person is confined in a situation like that, certain predictions can be made about the effect of this upon his various psychological functions.

Mr. TOLMIE: My question still has not been answered. Perhaps I am a little obtuse. All of us have had fear of closed space. I do not speak of light, heat, radio or reading, but more physical closure, such as in claustrophobia. In your opinion, from your observation of people not in institutions, is there a large percentage or a moderate percentage of people who have this latent condition? Even if it is a moderate percentage, would confining in an institution of this nature, a maximum security prison, have a detrimental effect on that person's ability to learn, to adjust, to become rehabilitated?

Until we know this, perhaps our whole concept of prison is wrong. We must have the custodial feature, but if this has a real effect—and I believe it to be so to some extent—then more study should be given to this particular subject. I am talking about physical confinement in a very small space for a long time, where you get a feeling that things are coming down on you, where you get depressed. This affects a lot of us. If it affects the ordinary citizen, and a lot of ordinary citizens eventually end up in prison, is not this something which should be studied more?

DR. WILDE: It is definitely reported by some of the subjects in these experiments as one of the reasons why they gave up.

Mr. TOLMIE: Gave up what?

DR. WILDE: Further collaboration in these experiments. There were not many of them, they were not told what would happen, but they were given a panic button, by which they could give a signal when they felt they could not stand the situation any more.

Mr. TOLMIE: Could not stand what situation?

DR. WILDE: Being in a closed space. This was one of the experiments carried out in a very limited space. Many of the experiments deal with those who are also made immobile, they are strapped and so on. I regret I cannot give a direct answer to your question, as although it is important it has not been investigated. From my knowledge I cannot give you a really well found reply. It is an aspect of sensory deprivation but it is not an aspect that has been specifically investigated.

Mr. WINCH: Do what I did once when visiting a penitentiary. I was not incarcerated, I was a visitor. I stayed inside a cell for one hour. If you want the experience, just try it.

Mr. ALLMAND: You said that, more important than sensory deprivation was this monotony that it causes. Can you not have just as much monotony if you have a small window looking out on a prison courtyard? You see the sky, the grass, the sun and the odd person who walks back and forth and you have the same guards. Is not that a form of monotony? Does it not depend on what is outside the window?

A gentleman here this afternoon said that in all bedrooms there are always windows. My reaction is that when I am in a bedroom I pull down the blinds and go to bed. I do not sit there and look out—one might if it were in an apartment building and there were interesting people outside.

If you do not have a window, you are closed in, but you have books and reading. There is the skylight, though it may be opaque. They also go out into the yard for a period each day. I do not like prisons in general but I would like to understand the viewpoint of the architect who was here this afternoon. It may be that he is right. I cannot see where that window makes so much difference to the total situation.

Dr. N. L. Freedman, Assistant Professor of Psychology, Queen's University: What Mr. Kohl might have been trying to express was the idea that, whereas there are some elements in common with going to bed at night and with a person in a prison cell, you get much more variety and change of scenery from a bedroom window, whereas the person in a prison cell would not.

Mr. ALLMAND: Might you not get just as much monotony from the bedroom window?

Dr. FREEDMAN: No, there would be less monotony.

Senator PROWSE: What kind of experiments have you carried out?

Dr. FREEDMAN: We can tell you of the experiments we have started on, and of the experiments we have read about.

CO-CHAIRMAN (*Senator Benidickson*): Would you put that on the record, please?

Dr. FREEDMAN: The types of experiments about which we have read have been published in the literature by a number of scientists who reside in Canada. One is Dr. Hebb, McGill University, Department of Psychology. Another is Dr. Zubek, of McMaster University, Department of Psychology. Another is Dr. Heron, of McMaster University, Department of Psychology. They were very

interested in the effects of reduced and/or monotonous stimulation and confinement for a short period of time, on subsequent behaviour. That behaviour varied from psychological types to what we think of in terms of, let us say, cognitive types of behaviour.

We have found that in periods lasting up to two weeks you get some types of behaviour very seriously impaired, some types of physiological functions seriously impaired, and that when the people come out—and these are voluntary subjects again—when they come at the end of upwards of two weeks they have some of these functions impaired for several weeks thereafter, and other functions which return right to a normal base line.

This is the type of experiment upon which we are basing our conclusions. So when you ask us to compare the effects of long term isolation of a nature which is very similar to the types of experiments that these people carried out, it would be merely speculation on our part, and I would suspect on the part of these experts also, but based on what we know from short term experiments.

Senator PROWSE: But when you complete your experiments, then you anticipate that you may be able to draw some conclusions that would be relevant to the studies that we are undertaking at the present time.

Mr. FREEDMAN: We would hope so, yes. We do not at present have this information.

Senator PROWSE: But this is what you hope to get?

Senator CAMERON: Would there be some relation to the studies taking place at the present time with respect to astronauts who are certainly in an enclosed space. The Apollo astronauts would be strapped down for two weeks.

Mr. FREEDMAN: There is a big difference owing to the fact that the astronauts are always doing something, unless they are sleeping.

Senator CAMERON: You are speaking of the physiological effects of confinement, and even though the circumstances are different there would be physiological effects in both cases.

Mr. FREEDMAN: The physiological effect of confinement depends on what a person happens to be doing. It depends on the stimulation he happens to be receiving, and the astronauts are receiving quite a bit of stimulation at all times.

Senator PROWSE: Which would just about rule out boredom?

Mr. FREEDMAN: On the part of the astronauts, yes.

Senator PROWSE: It would, if I were there.

Co-CHAIRMAN (*Mr. Watson*): Would it be fair to say that there is no available amount of research yet accomplished on prison sensory deprivation?

Mr. FREEDMAN: There is a great deal of information on prison types of deprivation, which we get from those people who have been in prison for long periods of time and who are turned out. These do not involve rigorous controls, however. We do not know the variables which would contribute to whatever effects there are, so that we could not point to one thing and say this is sensory deprivation and is what causes the prisoner to show anti-social behaviour, and come back to prison.

Co-CHAIRMAN (*Senator Benidickson*): Doctor, I hate to intervene when you are giving us such interesting information, but there is a technical matter which I must place before the Committee. It has been suggested to me that perhaps we need, as some other joint committees have at the present time, the number of the quorum set at seven instead of ten which is our present quorum. I wonder if anybody would consider it in order to make a motion to that effect?

Mr. ALLMAND: I would so move. I think it is in order.

CO-CHAIRMAN (*Senator Benidickson*): I believe that quite a number of joint committees are at the figure of seven. Could I have a seconder for that motion?

Mr. ALLMAND: What is the total membership, Mr. Chairman?

CO-CHAIRMAN (*Senator Benidickson*): I think it is 25 for a joint committee.

Mr. ALLMAND: I do not think it should be as low as seven for passing recommendations or for a report, but merely to receive evidence I think seven would be sufficient.

The CO-CHAIRMAN (*Senator Benidickson*): It is simply to hold a meeting.

Mr. ALLMAND: I would move that we have seven to hear evidence.

The CO-CHAIRMAN (*Senator Benidickson*): We must have one member from each side of Parliament.

Mr. ALLMAND: Oh, I see.

Senator FERGUSON: Perhaps you could pass it conditionally just to apply when we are hearing witnesses.

The CO-CHAIRMAN (*Senator Benidickson*): Mr. Allmand has made the motion. Is there a seconder?

Mr. TOLMIE: I will second that.

The CO-CHAIRMAN (*Senator Benidickson*): It has been moved by Mr. Allmand, seconded by Mr. Tolmie. All in favour?

Senator CAMERON: Mr. Chairman, I do not think the motion is carried.

The CO-CHAIRMAN (*Senator Benidickson*): I will propose a vote.

Senator CAMERON: I would just like to say, Mr. Chairman, that I think this thing is so important that while I realize it is awkward to get an attendance of ten out regularly, I think if we are to do the job we are supposed to do we should keep the quorum at ten until it is proved that this is unworkable.

Senator FERGUSON: I also think this is too important for such a small quorum.

The CO-CHAIRMAN (*Senator Benidickson*): All in favour? Against?

The CLERK OF THE COMMITTEE: Three in favour; four against. The motion is lost.

Motion defeated.

The CO-CHAIRMAN (*Senator Benidickson*): Can we stop the report for a minute, as we do in the Senate?

Mr. ALLMAND: Mr. Chairman, I am afraid we have a vote in the House.

The CO-CHAIRMAN (*Senator Benidickson*): Before you gentlemen from the House of Commons leave, what is your wish with respect to these respective witnesses, Dr. Wilde and Dr. Freedman? Are we going to ask them to come back to another sitting?

Senator PROWSE: I do not think so, Mr. Chairman.

Senator CAMERON: They have no scientific evidence at the moment, or conclusions that are firm.

The CO-CHAIRMAN (*Senator Benidickson*): Thank you very much, gentlemen.

The committee adjourned.

Appendix «2»

(Brief submitted by the Canadian Corrections Association)

For presentation to the Solicitor General,
March 18, 1966.

Memorandum regarding the Federal
Penitentiary Service building program

Many organizations interested in the corrections field have expressed concern about the building plans announced by the Penitentiary Service. The Solicitor General has been asked to receive this joint delegation coordinated by the Canadian Corrections Association so that these concerns can be expressed directly to him. A list of the organizations involved is attached as an appendix.

This delegation does not propose to recommend in detail what the Penitentiary building plans should be but the major suggestions we have to offer are as follows:

1. *Location.* Strong objection to the isolated location of many of the penitentiaries recently completed or now under construction has been expressed. In this respect, criteria for the proper location of institutions have already been enunciated in the Canadian Corrections Association's document *Criteria for Prison Location and Structure*, March 1963. Objections to the plan for the medical and psychiatric units and the reception units to form part of the maximum security complexes, have also been raised since a security atmosphere will dominate and this might be detrimental to the work of these specialized services. Reception units and medical and psychiatric units could profitably be placed near each other to permit joint use of staff, early identification of disorders and subsequent transfer to appropriate treatment or training units.

2. *Design.* Considerable commendation of the design of the medium security institutions has been expressed. On the other hand, serious reservations have been voiced about the design of the maximum security institutions and the special detention units. Because it is so difficult to predict the needs of the future, as much flexibility as possible should be built into new prisons. This flexibility should be of the kind that provides various degrees of custodial control in addition to adaptability to treatment and training programs and to changing conditions in the future. It has been suggested that the present plans for maximum security institutions and special detention units do not provide this.

3. *Priorities.* We recognize that the need for expanded facilities in the Penitentiary Service is such that the Government cannot defer all building until the Canadian Committee on Corrections has completed its work. We recommend, therefore, that where immediate additional building is necessary the following priorities be established:

- (a) *Reception and Classification Units.* Properly staffed units of this nature are essential, not only in ensuring that inmates are classified properly, but in obtaining more complete and accurate information on the characteristic of inmates who are coming into the penitentiaries. This information is essential in the planning of further buildings which would meet the needs of specific classifications of inmates. It is suggested that the special detention unit now under construction in Quebec be turned into a reception and classification unit.

- (b) *Medical and Psychiatric Units.* Because of the uncertainties that exist as to the most effective ways of dealing with certain classes of criminal, and particularly with the hard-core offenders who cause so much disturbance and conflict in prisons, it is recommended that the medical and psychiatric units be given high priority in the belief that many inmates could be more satisfactorily handled in such units. These institutions should not only develop their own treatment program but the staff should be given sufficient freedom to conduct research on the types of people in the wider penitentiary population who require psychiatric treatment and to experiment in an effort to find more effective treatment techniques. This may indicate that many of the inmates who are now considered candidates for the special detention units could more properly be treated in these medical and psychiatric units.

In connection with research, this delegation recommends the establishment of a program of research in clinical criminology within the Penitentiary system to make use of all available knowledge in the treatment of the offender and to explore all new treatment possibilities. Work in this field has barely begun, especially in the treatment of persistent offenders, and almost everything still remains to be done. Only a consistent long-term and determined program within the Penitentiary system itself can hope to achieve positive results. Every regional area should have such a research program. It is also recommended that any research findings, obtained before the Canadian Committee on Corrections has terminated its work, be made available to this Committee but it is the view of this delegation that this program of research should be continued. The research workers should be professionals with quality equal to any comparable group in a university or other professional setting. It is meaningless for the Federal Government to pledge that inmates will be treated unless professional staff is available equal to that in our best treatment centres and unless there is research into the kind of treatment required. Attention is drawn to the design of the new Institut Philippe Pinel being built in the Province of Quebec and the flexibility in design which has been incorporated by the architect.

- (c) *Medium Security Units.* We think the third priority should be medium security institutions. The design for the medium security institutions is flexible and can be adapted in future years as needs are more clearly defined and as conditions change. The additional space provided by these units will help reduce the overcrowding in the present maximum security units.
- (d) *Maximum Security Units.* Unfortunately, the same approval cannot be given to the maximum security units. We strongly urge a reconsideration of the present design of these institutions on the grounds that in a large single unit of this nature an atmosphere of security will dominate and segregation beyond mere physical separation of prisoners will be impossible. Also, the design is unadaptable and cannot be modified to meet changing conditions in later years. Flexibility in custodial control should not be confused with adaptability to treatment programming. Furthermore, the present maximum security unit design separating the staff from the inmates accentuates unnecessarily the cleavage existing between them.

We recognize the need for additional maximum security accommodation, particularly to facilitate demolition of old institutions, but

we would suggest that a new design be developed and that as few maximum security institutions as possible be built until further information on how many of them are needed has been gathered through experience with the kinds of institutions for which we have recommended priority.

- (e) *Special Detention Units.* We recommend that the construction of special detention units be delayed until the need for them has been demonstrated without question after the other types of units have been built and the possibility of caring for the more difficult inmates in these other institutions has been explored. We are of the opinion that the design of the cell units is unacceptable in a modern institution as it would create conditions of severe sensory deprivation. Furthermore, the facilities for a program of treatment appear limited. These same facilities also appear to militate against development of the type of program the Penitentiary Service itself has proposed for these institutions.
- (f) *Minimum Security Units.* We recommend that consideration be given to the development of a standard minimum security unit design. The present facilities which provide occupations for those inmates who need and benefit from such activity should be retained but their use should be restricted to short durations, preferably at the end of the sentence.

The establishment of pre-release centres and the high priority they are given is to be commended. We suggest that their planning and operation be carried out in close cooperation with after-care agencies.

4. *Classification of Penitentiary inmates on the basis of security.* Penitentiary building plans are based on a classification of the inmates according to security needs which will allocate 5 per cent to special detention units, 30 per cent to maximum security institutions, 50 per cent to medium security institutions, and 15 per cent to minimum security institutions. The question has been raised whether the effect of new facilities on this classification has been considered. For instance, if psychiatric units are developed, will this reduce the needs for special detention units? Also, if more staff who are members of the treatment professions were working in the penitentiaries, would this affect the number of inmates being allocated to security institutions?

5. *Liaison with the Field.* Problems presented by the corrections field are so complex that effective answers can be found only if provision is made for joint planning on the broadest base. One channel open to the Solicitor General is the Liaison Group of the Canadian Corrections Association. It would be of maximum usefulness if correctional plans were placed before it prior to final decision and public announcement.

We recognize the complexity of the problems associated with crime and the difficulties of caring for those convicted of a criminal offence and we appreciate the readiness of the Government to invest a substantial amount of money in efforts to find a solution. At the same time, public interest in these questions is at a new level and important technical knowledge is being built up in Canada. We offer our services to the Minister to assist in any way possible as further plans are developed.

Schedule "A"

Anglican Church of Canada
Archdiocese of Halifax, Roman Catholic Church
Archevêché d'Ottawa (catholique)
Association des Psychiatres de la Province de Québec
Association des Services de Réhabilitation Sociale
Board of Evangelism and Social Service United Church of Canada
Canadian Association of Social Workers
Canadian Correctional Chaplains' Association
Canadian Corrections Association
Canadian Federation of University Women
Canadian Lutheran Council
Catholic Rehabilitation Service of the Federation of Catholic Charities, Inc.
Canadian Medical Association
Canadian Mental Health Association
Canadian Psychiatric Association
Community Welfare Council of Kingston
Conseil des Oeuvres de Montréal
Corporation des Travailleurs Sociaux Professionnels de Québec
Diocèse de Sherbrooke (catholique)
Elizabeth Fry Society, Kingston
Elizabeth Fry Society of Ottawa
Elizabeth Fry Society, Toronto Branch
Forensic Clinic, McGill University
John Howard Society of Canada
John Howard Society of Kingston
John Howard Society of Ontario
John Howard Society of Prince Edward Island
John Howard Society of Quebec, Inc.
John Howard Society of Vancouver Island
La Ligue des Droits de l'Homme
Mental Hygiene Institute
National Council of Women of Canada
Ontario Association of Corrections and Criminology
Presbyterian Church in Canada
Quebec Society of Criminology
The Salvation Army
Social Planning Council of Hamilton
Social Planning Council of Metropolitan Toronto
Société canadienne de psychologie
Société d'Orientation et de Réhabilitation sociale
United Church of Canada
Welfare Council of Halifax
YMCA of Canada
YWCA of Canada
School of Social Work, University of British Columbia



First Session—Twenty-seventh Parliament

1966-67

PROCEEDINGS OF
THE SPECIAL JOINT COMMITTEE OF THE SENATE
AND HOUSE OF COMMONS ON

PENITENTIARIES

No. 6

FRIDAY, FEBRUARY 17, 1967

JOINT CHAIRMEN

The Honourable Senator W. M. Benidickson, P.C.

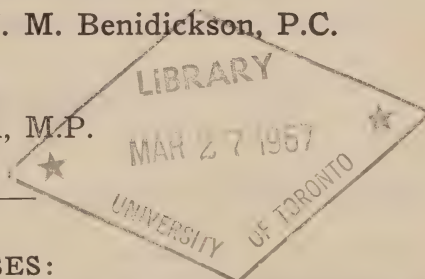
and

Ian Watson, M.P.

WITNESSES:

Canadian Penitentiaries Service: A. J. MacLeod, Commissioner; I. B. Simpson, Facilities Planning Officer.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967



THE SPECIAL JOINT COMMITTEE OF THE SENATE AND
HOUSE OF COMMONS ON PENITENTIARIES

Joint Chairmen

The Honourable Senator W. M. Benidickson, P.C.

and

Ian Watson, M.P.

The Honourable Senators

Benidickson,
Cameron,
Deschatelets,
Fergusson,
Fournier (*Madawaska-
Restigouche*),

Inman,
Irvine,
O'Leary (*Carleton*),
Prowse,

Messrs.

Aiken,
Allmand,
Dionne,
Fulton,
Lachance,
Matheson,
McQuaid,
Prud'homme,

Ricard,
Rochon,
Stafford,
Tolmie,
Watson (*Châteauguay-
Huntingdon-Lapairie*),
Winch,
Woolliams.

(Quorum 10)

ORDER OF REFERENCE

(House of Commons)

Extract from the Votes and Proceedings of the House of Commons, Tuesday, March 15, 1966:

"Mr. Pennell, seconded by Mr. McIlraith, moved,—That a joint committee of the Senate and House of Commons be appointed to consider the state of penitentiaries under the control of the Government of Canada and the plans of the Government in relation thereto with powers to report from time to time its observations and opinions thereon; send for persons, papers and records; adjourn from place to place; sit during sittings of the House; and print from day to day such papers and evidence as may be ordered by the committee, and that Standing Order 66 be suspended in relation thereto;

That 15 Members of the House of Commons, to be designated at a later date, act on behalf of the House as Members of the said committee; and

That a message be sent to the Senate requesting that House to unite with this House for the above purpose, and to select, if the Senate deem advisable, some of their Members to act on the proposed joint committee.

After debate thereon, the question being put on the said motion it was agreed to."

Extract from the Votes and Proceedings of the House of Commons, Tuesday, March 22, 1966:

"On motion of Mr. Pilon, seconded by Mr. McNulty, it was ordered,—That a Message be sent to the Senate to acquaint Their Honours that this House will unite with them in the formation of a Joint Committee of both Houses to consider the state of Penitentiaries under the control of the Government of Canada and that the Members to serve on the said Committee, on the part of this House, will be as follows: Messrs. Aiken, Allmand, Dionne, Fulton, Lachance, Macdonald (*Rosedale*), Matheson, McQuaid, Prud'homme, Ricard, Stafford, Tolmie, Watson (*Châteauguay-Huntingdon-Laprairie*), Winch and Woolliams."

LÉON-J. RAYMOND,

Clerk of the House of Commons.

ORDER OF REFERENCE

(Senate)

Extract from the Minutes and Proceedings of the Senate, Wednesday, March 23, 1966:

"Pursuant to the Order of the Day, the Senate proceeded to the consideration of the Message from the House of Commons requesting the appointment of a Special Joint Committee of the Senate and House of Commons on Penitentiaries.

The Honourable Senator Connolly, P.C., moved, seconded by the Honourable Senator Hugessen:

That the Senate do unite with the House of Commons in the appointment of a Joint Committee of both Houses of Parliament to consider the state of penitentiaries under the control of the Government of Canada and the plans of the

Government in relation thereto, and to report from time to time its observations and opinions thereon;

That nine Members of the Senate, to be designated at a later date, act on behalf of the Senate as members of the said Joint Committee;

That the Joint Committee have power to send for persons, papers and records; to adjourn from place to place; to sit during sittings and adjournments of the Senate; to print from day to day such papers and evidence as may be ordered by the Joint Committee; and

That a Message be sent to the House of Commons to inform that House accordingly.

The question being put on the motion, it was—
Resolved in the affirmative.”

Extract from the Minutes and Proceedings of the Senate, Tuesday, March 29, 1966:

“With leave of the Senate,

The Honourable Senator Beaubien (*Provencher*) moved, seconded by the Honourable Senator Macdonald (*Cape Breton*):

That the following Senators be appointed to act on behalf of the Senate on the Joint Committee of the Senate and House of Commons to consider the state of penitentiaries under the control of the Government of Canada and the plans of the Government in relation thereto namely, the Honourable Senators Benidickson, Cameron, Fergusson, Fournier (*Madawaska-Restigouche*), Gouin, Inman, Irvine, O’Leary (*Carleton*), and Prowse; and

That a Message be sent to the House of Commons to inform that House accordingly.

The question being put on the motion, it was—
Resolved in the affirmative.”

Extract from the Minutes and Proceedings of the Senate, Tuesday, 31st January, 1967:

“The Honourable Senator Benidickson, P.C., from the Special Joint Committee on Penitentiaries, presented the following Report:

TUESDAY, January 31st, 1967.

The Special Joint Committee of the Senate and House of Commons on Penitentiaries makes its second Report, as follows:—

Your Committee recommends that they be empowered to engage the services of such technical, clerical and other personnel as may be necessary for the purpose of the inquiry.

All which is respectfully submitted.

W. M. BENIDICKSON,
Joint Chairman.

With leave of the Senate,

The Honourable Senator Benidickson, P.C., moved, seconded by the Honourable Senator Kinley, that the Report be adopted now.

The question being put on the motion, it was—
Resolved in the affirmative.”

J. F. MacNEILL,
Clerk of the Senate.

MINUTES OF PROCEEDINGS

FRIDAY, February 17, 1967.

Pursuant to adjournment and notice, the Special Joint Committee of the Senate and House of Commons on Penitentiaries met this day at 10.25 a.m.

Present: *For the Senate*: The Honourable Senators Benidickson (*Joint Chairman*), Deschatelets, Fergusson, Inman, Irvine and Prowse—6.

For the House of Commons: Messrs. Watson (*Joint Chairman*) (*Château-guay-Huntingdon-Laprairie*), McQuaid, Stafford and Winch—4.

The following witnesses were heard:

Canadian Penitentiaries Service:

A. J. MacLeod, Commissioner;

I. B. Simpson, Facilities Planning Officer.

At 12.30 p.m. the Committee adjourned to the call of the Joint Chairmen.

Attest.

Patrick J. Savoie,
Clerk of the Committee.

THE SENATE

SPECIAL JOINT COMMITTEE OF THE SENATE AND HOUSE OF COMMONS ON PENITENTIARIES

EVIDENCE

OTTAWA, Friday, February 17, 1967

The Special Joint Committee of the Senate and House of Commons on Penitentiaries met this day at 10.00 a.m.

Senator W. M. Benidickson, P.C., and Mr. Ian Watson (*Châteauguay-Huntingdon-Laprairie*), Co-Chairmen.

Co-Chairman Mr. WATSON: Honourable members, senators, our first witness this morning will be Mr. A. J. MacLeod, Q.C., the Commissioner of Penitentiaries.

Mr. A. J. MacLeod, Q.C., Commissioner, Canadian Penitentiary Service: Mr. Chairman, ladies and gentlemen, I have a statement that I should like to put on the record concerning the design of the new standard maximum security institution which was developed by the Canadian Penitentiary Service.

1.1 Under the new regional organization of institutions, the maximum security institution will be one of an integrated group of institutions, as follows:

- Regional Reception Centre
- Maximum Security Institutions
- Medium Security Institutions
- Minimum Security Institutions
- Special Correctional Unit
- Regional Medical Centres

1.2 This means that, instead of accommodating inmates of a wide spectrum of classification, the new maximum institution will accommodate only the true maximum security inmate.

1.3 In North America there is only one institution that has been built specifically for maximum security inmates and this is the new United States penitentiary at Marion, Illinois. Because of the type of inmate that comes within the jurisdiction of the United States of America Bureau of Prisons and because the emphasis in this institution is towards a research program, the basic design features and layout of Marion were not applicable nor suitable in meeting the requirements of a new Canadian maximum security penitentiary.

1.4 The new design can, therefore, be called "a near-pioneering project".

Let me mention now some of the design features.

2.1 The new design features that have been incorporated in the new maximum security institutions can be summarized as follows:

- (a) Small segregated cell units: The total capacity of approximately 450 cells is broken down into three separate units of 150 cells and each unit comprises five separate groups of approximately 30 cells each.

Thus it will be possible to achieve a degree of segregation within the maximum security classification of up to 15 groupings.

- (b) Outside cells: All cells are outside cells, i.e., each cell has its own window and outside wall. This arrangement for all cells in a maximum security institution is unique in North America.
- (c) Day rooms: Each cell unit of approximately 150 cells is provided with six day rooms grouped around a central control point, thus providing facilities for training and recreational purposes close to the inmate cell and thereby reducing the commitment of inmate movement. As far as is known, this is the first maximum security institution in North America with such a provision of day rooms.
- (d) Control of inmate movement: In the view of the Canadian Penitentiary Service, the prime requirement of maximum security planning is that inmate movement shall be controlled to the extent that such movement can be seen by control officers and that movement of inmates, by a system of corridors with no facilities off the corridor (but only at the end of the corridor), can be without escort. In the new design this is achieved by the use of a central "Dome" with three short corridors leading to each living unit and three corridors leading to the three main facilities buildings: Administration, Special Handling and Workshop. The three latter corridors are designed to be fitted with traffic dividers. These are wire mesh screens whose prime purpose is to facilitate two-way traffic without interference along one corridor.

This movement within the corridor will not require escorting officers with the inmates.

- (e) Eating Facilities: Rather than provide a large central dining hall (with its problems of mass movement and disturbance potential) and a kitchen (with its problems of trafficking in food and a source of potential weapons), provision has been made for those inmates who have earned the privilege to eat in association in small groups in the day rooms. The remainder of the inmates will eat in their cells, without interference between the two groups.
- (f) Functional grouping of facilities: The various facilities, other than cell accommodation and day rooms, that are required for a full inmate training program have been grouped into three buildings so arranged as to simplify inmate movement and to enable the shutting off of complete areas once the training program in the particular area has ceased for the day.
- (g) Protection of officers from attack: The history of such attacks by inmates upon officers indicates that these invariably take place in areas where such attacks can be carried out unseen by other officers. In an institution designed specifically for the true maximum security inmate, the planning to achieve a reasonable degree of protection has been based upon the ability of control officers to observe inmate activities without interfering with the inmate training program or with inmate movement.
- (h) Flexibility: Past experience indicates that, over the course of years, it will be necessary to make changes to the facilities provided in this institution, either by internal changes to specific areas or the addition of new inmate training facilities. Not only have the three "activities" buildings been designed for expansion but the structural system

which has been employed allows complete freedom of internal alterations within the various units.

- (i) Recreational facilities: Not only has a large exercise field of approximately eight acres within the perimeter fences been provided for organized sports, but six landscaped interior courtyards have been provided particularly for use in the summertime for those inmates who wish to sit or stroll around. Each of the three living units has available two courtyards.
- (j) Workshops: The workshops building, which is essentially a "daytime activities building," has been designed as a series of self-contained "modules" each of approximately 2,180 sq. ft. The individual training areas will be made up of one or more modules with always the possibility of changing the subdivisions as to accommodate new programs as they arise. The net area initially to be constructed in the "workshops" building will be approximately 58,730 sq. ft. The building itself can also be expanded.
- (k) Dissociation: The dissociation unit, as designed, comprises two separate groups of 8 cells each. The separation is to allow the segregation of different types of inmate, i.e., those undergoing punishment and those dissociated for their own protection. However, should it be necessary to segregate a larger group for any reason, the design of the main cell units is such that one or more cell wings of 29 cells can be effectively set aside for segregation purposes.

That is the conclusion of my statement, Mr. Chairman.

CO-CHAIRMAN (*Mr. Watson*): Mr. Stafford, you indicated you had a question.

M. STAFFORD: Mr. MacLeod, I had to go to another committee meeting on Monday and couldn't be here, but I take it that the summation you just gave us was given as a result of evidence that was heard here on Monday, February 13?

MR. MACLEOD: That is right, Mr. Stafford. I thought it would probably be desirable to read this information into the record. The paper was distributed to committee members on January 24 last when the minister was here, but in those circumstances it was not made a part of the record. It seemed to me that having been given an intimation from some of the evidence given on Monday, it was very proper that this paper should be on the record.

MR. STAFFORD: Not having had a chance so far to read all the evidence that was taken on Monday—I see there was considerable—would this first witness, Mr. Kohl, have had as much experience to give evidence, say, as you and your staff would, on the work on penitentiaries?

MR. MACLEOD: I should not think so, Mr. Stafford. I am not totally familiar in any way with Mr. Kohl's career. I understand that he has been working with the Government of the Province of Ontario in the design of a women's prison and in the design of a regional jail. To answer your question, I do not see how in that respect he could have available to him the resources, both correctional and architectural, that were available to the Canadian Penitentiary Service in designing our medium and maximum security institutions.

MR. WINCH: Might I ask something supplementary to that? If I remember Mr. Kohl's presentation correctly, and I think I do, he started with this matter some ten years ago when he was asked to undertake certain plans, and he did visit institutions using the new approach, especially in regard to buildings. Do you think he may have gained some knowledge on that, especially from his studies on that subject?

Mr. MACLEOD: I know that last summer and fall when our design was being considered by the Canadian Committee on Corrections and Mr. Kohl was retained by that committee, he spent something of the order of 15 to 20 hours on five different sessions with our Mr. Simpson. I imagine that if Mr. Simpson were to be asked, he would say that perhaps Mr. Kohl learned more from him than he learned from Mr. Kohl.

Senator FERGUSON: Maybe Mr. Kohl would have a different idea, Mr. MacLeod, just as lawyers often have different opinions.

Mr. WINCH: Mr. MacLeod, I have known you for many years. We have worked very, very closely, and I would like to ask you if you can give this committee what I think is the most important bit of information we could have. How do you explain the fact that if my knowledge is correct, and I hope it is, almost every organization interested in penology is opposed to your planning structure because they have also many years' experience and a real interest in this matter? How do you explain the fact that they are almost 100 per cent opposed to this type of architectural plan on maximum security?

Mr. MACLEOD: I don't think they are opposed to the standard maximum security. Many may be opposed to the special correctional unit which is an altogether different institution, but I am not at all aware that interested organizations are opposed to this. I would say that there are certain officers of the Canadian Corrections Association who have reservations about this design, but I would warrant that of the several thousand members of the Corrections Association, a large proportion of them, certainly those who work in prison work, would entirely favour this design.

Mr. WINCH: How about the special correctional unit? They are almost unanimously opposed to that.

Mr. MACLEOD: Yes, I would say this is so, and unfortunately the development of the special correctional unit has been held up until we see how the one that we are completing at St. Vincent de Paul will work out. We will find out through experience whether it is worthwhile or not.

Mr. WINCH: In other words, then, you are doing the same on that research experiment as this one which you mentioned in the United States on maximum security.

Mr. MACLEOD: Yes, but theirs is a different problem. This is in effect, what will happen with the S.C.U.; it will eventually prove whether it is suitable or not.

Mr. STAFFORD: Is it true or not that the penitentiary staff in Canada would have collectively more experience with prisoners and prisons than any other group in Canada?

Mr. MACLEOD: I would think so. We have a larger prison staff and we operate more institutions than any province.

Mr. STAFFORD: And thus they would have more experience on which to base opinions.

Mr. MACLEOD: I would expect so.

Mr. STAFFORD: I notice one place in the notes here where Mr. Kohl, when he was criticizing the design, again said that the architecture is only the servant of the customer. Wouldn't the customer here be the Penitentiary Service?

Mr. MACLEOD: That is so.

Mr. STAFFORD: In your opinion there you would have all the experience.

Mr. MACLEOD: That is right, Mr. Stafford. We went to the architects with a philosophy and a requirement and then, having the philosophy and the requirement, provided appropriate custodial facilities wherein training of inmates could be carried on effectively. We worked out with the architects the designs of our various types of institutions.

Mr. STAFFORD: I have had a fair association with criminals in defending them. Isn't it correct that an awful lot of people who do not work too closely with them have a sort of sympathetic approach that sometimes conditions do not merit?

Mr. MACLEOD: Yes. I think there is a sympathetic approach on the part of people who don't work with inmates. However, I think that people who work most closely with inmates recognize perhaps better the need of security, especially where maximum security inmates are involved and the security that will protect the inmates from each other and will protect the staff from inmates and will protect visitors to the institutions from inmates.

Mr. STAFFORD: I have heard it said by prisoners, especially in the women's penitentiary at Kingston, where I interviewed most of them that, for instance, some prisoners get together in the dining room and terrific tension is built up as a group. Do you agree with that?

Mr. MACLEOD: Yes. Dining rooms in penitentiaries in the United States have always been a source of difficulty. I am speaking of dining rooms for large numbers—150, 200, 300 inmates. Consequently, as a matter of policy for maximum security inmates, we have decided that in maximum security institutions, dining should be by individual cell, an inmate eating alone in his cell or small groups of 15 to 20 inmates eating together in a day room.

Mr. WINCH: Would you say that applied in the women's prison in Kingston? I have visited there from time to time over many years and most certainly have found a wonderful situation in their central dining room at mealtime.

Senator FERGUSSON: I can support this too. I have been there for their meals.

Mr. MACLEOD: We do have communal feeding.

Mr. STAFFORD: I just wanted to say this. This is what I was told by most of the girls when I was there, that the period of most tension builds up in the dining room. Of course, when visitors come in like the honourable Senator Fergusson or Mr. Winch, it is a little different. But I was told by them, and I took considerable notes, that the period of most tension was during mealtime in the dining room. I was inquiring into that.

Mr. MACLEOD: The point is this: In designing a new prison for women, we would have a communal dining room because women prisoners are, by our standards, medium security inmates. But we are talking about men's prisons; we are talking about 7,000 inmates, not 70 women.

I think Mr. Stafford's point was that on those occasions when there is tension in prisons for women, it is most noticeable in the dining room. I don't think he is implying that there is tension all the time because they have communal feeding.

Mr. WINCH: I have been there, as you know, sir, often, and I think I have talked to almost everyone. They said they just loved getting together around their own tablecloth, and so on. My experience, and I am glad to say the senator's, is exactly the opposite to what Mr. Stafford says.

Mr. MACLEOD: In the new medium security institutions we have cafeteria dining, but that is for medium security inmates. But a maximum security institution is dealing with a different type of inmate, and we feel that cell feeding or day-room feeding in small groups of 15 to 20 is appropriate.

Mr. STAFFORD: And those people who do not work closely with prisoners, but still have a desire to help, sometimes feel that security is not as important as do those who work close to prisoners, is that not so?

Mr. MACLEOD: This is quite true. It is a lack of familiarity with the day-to-day routine of the prison, and people with the best will in the world will seem to see signs of inhumanity where there is no inhumanity at all. There are certain procedures that are required to be followed for the common good, for the safety of the institution, the staff and the inmates.

Mr. WINCH: I do not want to abuse my privilege, but would you mind if I asked one more question?

Mr. STAFFORD: Certainly not.

Mr. WINCH: I think you will agree that I am pretty fair when I deal with the inmates. I would like to ask you whether you consider yourself bound by the present policies. I am asking that because—even with all your experience—you will perhaps remember that some three years ago I suggested a change in this rotation of guards, and I am told it worked out very well. Is that right?

Mr. MACLEOD: Mr. Winch, I would be the last one to say that we are always right in the Penitentiary Service. We are trying to perceive the objective of reforming the Penitentiary Service and making it much more effective than it has ever been. We have to compromise, however; we have to satisfy a great many interests in the design of an institution. If I may refer to Mr. Kohl, I suggest that if he were commissioned to design a maximum security institution, after his discussions with penitentiary officers, he would find that many of his pet ideas could not be incorporated into the design. It would be a practical impossibility if you were to operate effectively.

Mr. STAFFORD: I didn't necessarily want to proceed with the questioning first and possibly I am the worst one who could have started out. But I was not here at the last meeting and I was just taking a quick look at what happened and trying to get some answers to why the opinions are so opposite. Groups in prisons are not quite like other groups; for instance, tensions would be far different among a group of inmates than they would be among a group of girls.

Mr. MACLEOD: Yes.

Mr. STAFFORD: In England they find it necessary to tighten the security even in their maximum security prisons.

Mr. MACLEOD: Yes. I understand from reading the Mountbatten Report on Security in British Prisons, which came out last month or just before Christmas, that under one of its main recommendations the British Prison Service is going to build a special maximum security institution on the Isle of Wight, one that will be very much like our special correction unit. Whether each cell will have a window or not is not clear. If it has a window, I expect that that feature will be the only difference between the two institutions, the one they are going to build on the Isle of Wight and the one we are building here.

Mr. WINCH: On that, I do not know, myself, after 40 years of interest in this matter. I have endeavoured twice now over TV, showing all the daggers and the guns which were collected in one raid, to try to point out the responsibility and the dangers. Can you give us any information not on how they do it—I know that—but on the checking to bring about a differentiation between minimum, medium and maximum, especially maximum protection.

Mr. MACLEOD: Well, in maximum security you will invariably find a much more difficult type of inmate than you do in medium or minimum. That is why he is in maximum. He is much more vindictive. He is likely to be a much more

vindictive type of inmate. He is much more likely to have the psychopathic attitude towards life whereby he wants the immediate gratification of his desire. He takes the shortest route from A to B in order to achieve this. He does not learn from experience and at times behaves very much like something less than human. Nonetheless, even in maximum security we are trying to carry on a training program to teach inmates the working skills that they must have in order to get and keep employment when they are released. We have to have machinery and we have to have metals of various kinds available in the shops. We use cutlery. We don't make our inmates even in maximum security eat their meals off a plate with their fingers or with a spoon. We give them a knife, fork and spoon. And so, because you have metals and machines in a maximum security setting, there is a certain percentage of the inmates who are trying continuously to manufacture weapons, and some of them do. They manufacture secretly in the shop while the instructor is looking the other way or is otherwise engaged. Knives can be sharpened on concrete walls or concrete floors. A variety of weapons can be and are manufactured. In each of the maximum security institutions we have a metal scanner. It is an apparatus shaped like a door through which the inmate walks, let us say, on his way to pick up his lunch tray or on his way back from his lunch. A certain number of the inmates are selected, taken out of the ordinary line and put through the scanner. If one has any metal on him, a bell rings and he can then be searched to see if the metal is a knife. This can be adjusted in such a way that metal shoelace tips or belt buckles will not set the mechanism off, but anything more than that will.

Cells are searched in maximum security from time to time without warning and quite a variety of weapons are turned up on every such search. Then, of course, there are spot searches of inmates during the day—sometimes at work, sometimes at recreation in the evening.

Mr. WINCH: You just mentioned that in the maximum security a great many are psychopathic. Now, you used the term "psychopathic". I presume that you, Mr. MacLeod, have read the evidence given to us by Dr. Scott?

Mr. MACLEOD: No, I have not received my copy.

Mr. WINCH: That is most interesting information. He is a psychiatrist. I think the information he gave was amazing to the majority of us. In view of your statement that in maximum security very many, if not the majority, are psychopathic, will you then please tell the committee upon your recognition of their psychopathic personalities—we have plans that are going to run into millions—what is the basis of sense or reasonableness that you only have a half-time psychiatrist and a psychologist to deal with a psychopathic personality?

Mr. MACLEOD: Well, it is not what we want. Certainly, Mr. Winch, we have some full-time psychiatrists. Dr. Scott is full-time with us as is Dr. Craigen.

Mr. WINCH: But there are three or four institutions. There is the women's prison and the other three.

Mr. MACLEOD: And we have several part-time psychiatrists in the Kingston area. Similarly we have several part-time in the St. Vincent de Paul area. It is not that we don't want the psychiatrists, it is not that we haven't got the positions for them to fill or the money to pay them; it is just that we cannot find them. We have a program now whereby this summer in St. Vincent de Paul, and in Kingston and in Vancouver we will have psychiatric interns. They are medical doctors who are continuing to qualify themselves as psychiatrists and who will be coming to our institutions and working under the supervision of our major psychiatrists. We have the money and the positions, but we cannot interest psychiatrists in working for the penitentiaries.

Mr. WINCH: One supplementary question. In view of what you say, do you not think that psychologists or psychiatrists might be more needed than this type of construction?

Mr. MACLEOD: It is not the lack of money, Mr. Winch. You cannot say that we should hire psychiatrists rather than build new institutions. We do need an institution, as you know, to replace Kingston.

Mr. WINCH: One in each region?

Mr. MACLEOD: We need one to replace Kingston Penitentiary, which is 135 years old and shows it more every day, and we need something to replace St. Vincent de Paul Penitentiary, which has 850 inmates, 400 of them in cells without plumbing. The St. Vincent de Paul institution was criticized forcefully by the Archambault Commission in 1938, and here, almost 30 years later, we still have 400 inmates in St. Vincent de Paul using bucket cells. Despite the fact we have got a design that will give us a humane type of institution where we can look after inmates and give them training, it is recommended that we should continue to keep these 850 in St. Vincent de Paul while we think about an even different type of new institution for them.

Senator FERGUSON: Might I ask a supplementary question? Mr. MacLeod said that you have plenty of positions. How many established positions have you for psychiatrists?

Mr. MACLEOD: There is no limit as far as positions are concerned. We would hire them full-time under contract and would only require, in that circumstance, approval of the Treasury Board. We have 29 positions for psychologists, seven of them filled full-time and seven of them filled part-time, and half of them vacant.

Senator FERGUSON: Would you tell us why people don't want to take up positions in the penitentiaries?

Mr. MACLEOD: It may be that prisons inevitably are represented in the press and on radio and television as being terrible places, and they are just not attractive to professional people.

Senator FERGUSON: Do the salaries compare favourably with those of comparable positions outside prisons?

Mr. MACLEOD: Yes, they do.

Senator FERGUSON: Are they any better?

Mr. MACLEOD: No, they are not better; they are comparable.

Senator FERGUSON: There are some jobs that are not more demanding than others in the same field of activity, but the overall situation is not as attractive. Therefore, you have to pay an incentive bonus or salary. This is so with respect to jobs in the far north where a "northern" allowance is paid to compensate the employee for living in an isolated area. Would it encourage the filling of these prison jobs if some special incentive payment could be offered?

Mr. MACLEOD: I am not so sure. It is not a question of money. You could say, "We will double what you could get working somewhere else, working in private practice, shall we say, or working for the Department of Veterans Affairs, but you are going to have to work in St. Vincent de Paul Penitentiary". But they are not interested. Life is too short.

Senator FERGUSON: It was just an idea, I was just wondering.

Mr. McQUAID: How can you say that, Mr. MacLeod, when you told us the last day you were here that you never tried incentives? I asked you the last day

you were here if you had ever tried incentives and you said no. How can you say you can't get these men? Money is a very important factor in every man's life. I think if the incentives were high enough, you would get the men. But apparently you have never tried incentives.

Mr. MACLEOD: I have discussed with psychiatrists this subject and have said, "Is money the major factor?" I discussed it informally with psychiatrists at the annual meeting of the Canadian Psychiatrists in Edmonton last year. I had addressed the main group of psychiatrists and told them our problem. I tried to get them interested and later in informal discussions I asked a number of them whether money was the decisive factor and they assured me it was not.

Senator PROWSE: Is not one of the problems when you are dealing with psychopaths in a penitentiary that these are not the problems that a doctor is going to deal with in private practice, and a long time spent in a penitentiary does not particularly prepare a psychiatrist for the easier practice in the private sphere? By the easier I mean that he can charge high prices and work or not as he pleases. He is his own boss, and probably 95 per cent of his patients are people who just have trouble getting along with their spouse. Here we are asking the doctor to come into a very difficult area where even his attempt to cure the patient is not appreciated by the patient and where the capacity of the psychiatrist to cure depends to a large extent on the desire of the patient to be cured. Are these not the real factors that cause you trouble in getting psychiatrists to enter the penitentiary service?

Mr. WINCH: Under the new medical charges a psychiatrist charges a fee of \$25 an hour. You don't come anywhere close to that, do you?

Mr. MACLEOD: I don't know. We hire a part-time psychiatrist one day a week, which I suppose is a maximum of six hours' work in a day. A part-time psychiatrist would get \$100 a day for six hours work. He will come to us one day a week.

Mr. WINCH: That is the very point. What can a psychiatrist accomplish in an institution in just one day a week?

Mr. MACLEOD: Well, he can see two or three patients, I should think, and make some diagnosis.

Senator PROWSE: Is it not true that psychiatrists tell you that their ability to perform a useful service on a patient depends on the co-operation of the patient; in other words, the desire of the patient to receive the help the psychiatrist has to offer?

Mr. MACLEOD: This is absolutely true, senator. I have never talked to a psychiatrist yet who would dispute that. They all insist that if their patient does not want to be helped or if the patient insists that there is nothing wrong with him, then there is no miracle that will occur by having the psychiatrist sit down with that patient.

Senator PROWSE: Or to tell him there is something the psychiatrist could give him.

Mr. MACLEOD: Yes. It is more often the rule than the exception that the penitentiary inmate does not think that there is anything wrong with him. It is the rest of the world that is wrong.

Senator PROWSE: If you get him in the right circumstances and he can be about as pleasant a person to meet and talk to as you would ever hope to see, is this not true?

Mr. MACLEOD: That is true.

Mr. WINCH: And yet some 18 months or two years ago when I spoke to a psychiatrist in Winnipeg he told me that if he were able to spend the correct amount of time with sex psychopaths, he could almost guarantee that 70 per cent of them would never repeat their sexual aberrations.

Senator PROWSE: What percentage of your penitentiary inmates are sexual deviates?

Mr. MACLEOD: Five per cent of our inmates each year are in for a sexual offence.

Mr. WINCH: This is going back, I am not sure, to the Archambault Report, but at that time he gave an actual cost of judiciary and maintenance which I think was around \$25,000. Is it not around \$50,000 now?

Mr. MACLEOD: Yes.

Mr. WINCH: With 5 per cent of your people sexual deviates, it would be money very well spent no matter what you paid the psychiatrists. I am taking the word of a penitentiary psychiatrist. That was his statement to me. So, that would be money well spent, would it not?

Mr. MACLEOD: Oh, indeed.

Mr. WINCH: And what is \$50,000 a year if you include the cost of judiciary and maintenance?

Mr. MACLEOD: But you need some intensive therapy with sexual psychopaths, it seems to me. It is not enough to have an hour a day or one day a week for a year, for example. I think you need three hours in a row, two days a week maybe, for a year, something like that.

Mr. WINCH: But would it not be money well spent?

Mr. MACLEOD: I would think so. Nevertheless, apart from these extreme cases of mental aberration, there is still a certain proportion who will profit as much by a little help. Therefore, at the moment we are trying to spread our resources in the penitentiaries as largely as we can to help as many as we can rather than let the majority go without any help while we do a concentrated job on one or two individuals. It is as simple as that.

Mr. WINCH: I am sorry, but you know my interest in this. Actually, would society not benefit more if you didn't spread your resources too widely but rather concentrated on those whom you could cure?

Mr. MACLEOD: Mr. Winch, I would very much like to use our psychiatrists for the purpose of training our ordinary staff in the institutions, but I know what would happen. I know how unhappy you would be. For example, I think you would be unhappy if you wrote a letter to me about a certain individual who you thought could profit from psychiatric attention and I told you, "Well, I am sorry, Mr. Winch, the psychiatrist has not got time for him, he is busy training the rest of the staff on how to be good officers". You would not be very happy, and his relatives would not be happy.

Mr. WINCH: I would be very happy if you could, by that reasoning, show me that this was the best plan to follow; I would not be unhappy.

Senator PROWSE: To get this into its proper perspective you can tell us whether or not in psychiatry, whether you are going into mental institutions or prisons or social service work or the general practice part of it, generally today there is an overall shortage of trained psychiatrists available in every field where they could be useful?

Mr. MACLEOD: My understanding, senator, is that for the practice of psychiatry generally in Canada, the profession is 4,000 psychiatrists short of what is needed to give reasonable psychiatric care for the 20 million people of this country.

Co-CHAIRMAN (Mr. Watson): Senator Fergusson indicated she had a question.

Senator FERGUSON: There is one thing that struck me as queer. Mr. Kohl spoke about weapons. He spoke about having been at Barrie and that the only weapon they had there was a whistle, that all the other weapons were outside. Could you tell us why we don't follow this practice?

Mr. MACLEOD: All our weapons are outside, senator, except there are spaces to have them inside if the need should arise. I don't know that Mr. Kohl was suggesting that you don't put the facility there when you design the institution: if you wait until something happens and then you try to put something there you find you can't put it there. We feel that we do know what is the worst that might happen and knowing that you cannot add facilities after the institution is in operation, we put them there to be used only if necessary.

Mr. WINCH: Mr. MacLeod, will you expand on that? The members of the committee have visited some of these places. I visit at least four every year, and wherever you go you will find, in various shops and places, guards behind the mesh on the raised platform and each one with a weapon. Now what is the psychological effect of that? Right now you say, "If necessary". Are you, therefore, telling us that you have found it necessary in all these places to have a man with a weapon?

Mr. MACLEOD: In our overcrowded, old-fashioned maximum security institutions, we have found it necessary. We say that in a new, modern maximum security institution with no more than 450 inmates—which will mean no overcrowding—it will not be necessary.

Mr. WINCH: You say you are going to make provision that it will only be used if necessary.

Mr. MACLEOD: That is right. In case it should become necessary, you will have a facility there that can be used.

Senator FERGUSON: When we go to this institution we won't see the guards behind the wire with guns in their hands?

Mr. MACLEOD: No, I don't think you will. If the institution is tense and we have had some indication that one or more ringleaders are trying to organize a disturbance—

Mr. WINCH: You are speaking of Kingston last month where 400 raised a rumpus while they were at recreation?

Mr. MACLEOD: Yes.

Senator PROWSE: Getting back to the matter of treatment, are the classification officers to be used to try to find out which inmates might be suitable for psychiatric care?

Mr. MACLEOD: Every inmate, senator, who comes into the penitentiary receives a battery of psychological tests, and the results are evaluated by a psychologist. This is one way of screening. The classification officer and, indeed, the correctional officer, in day-to-day activity if, by the exercise of common sense, sees that that inmate is behaving in a somewhat erratic or irrational way, will refer the inmate to the medical officer of the institution who will then probably refer him to the psychiatrist. Some, of course, voluntarily seek psychiatric examination. So it seems to me that an inmate is usually not in one of our

institutions as much as two or three months before he sees a psychiatrist if it appears he should see the psychiatrist.

Mr. STAFFORD: I would like to ask a question which seems to me to be very important. I visited Kingston and learned that the prisoners are very unhappy about not having hot water in their cells. Furthermore, there is bad lighting in the cells and this can't be imposed unless all the wiring is changed. The plans were already made some time ago to make a new maximum security prison. Is it true that you are postponing the building of the new prison?

Mr. MACLEOD: Construction on the institution at Milhaven would have started last summer at the same time when construction started on Ste. Anne des Plaines, but because of certain representations that were made, the minister decided that he would have the plan of this institution looked at by the Canadian Committee on Corrections. Then, of course, it was to be reviewed by this committee and as a result we are going to be substantially behind in relieving the conditions of overcrowding in Kingston.

Mr. WINCH: I just ask now a question which I think is a logical follow-up. We have penitentiaries like the British Columbia penitentiary and Kingston, and so on. Are you, in your position, going back so many years, able to give us any indication of what recommendations this committee can make as to changes to the existing institutions so as to better enable you to meet the ultimate policies of rehabilitation until such time as the new ones are in operation? This might take perhaps seven to ten years in the case of British Columbia.

Mr. MACLEOD: No, we are planning on some time between 1970 and 1973.

Mr. WINCH: All right. Between 1967 and 1973, just using the illustration of the British Columbia penitentiary. But I think it also applies to Kingston Penitentiary. Have you any suggestions to make to this committee for our study and any recommendations as to what can be done in this interim period with our century-old institutions to aid your service in its objective of not having to wait until 1972 or 1973 or 1974 before being able to get a new approach or a better adaptation towards rehabilitation?

Mr. MACLEOD: It is simply a matter of overcrowding at the moment. It is overcrowding in maximum security institutions, and the only way that we can improve the conditions in our maximum security institutions is to provide new maximum security institutions.

Mr. WINCH: Do you think there is going to be an improvement now because you are going to be able to move all narcotic addicts?

Mr. MACLEOD: At the British Columbia Penitentiary the inmate population is down to about 500 because of the opening of the maximum security institution, and 500 is not too bad for that institution. Actually, there should still be only 400 in it.

Mr. WINCH: I am referring to the penitentiary in British Columbia now. Is more money required for additional instructors, shop equipment, and so on, so that there are no idle hands?

Mr. MACLEOD: We have not got space to build more shops. For over 100 years, successive governments have decided that rather than build new institutions they would pack more buildings behind the walls of existing institutions. This has happened right across the country: Dorchester, St. Vincent de Paul, Kingston, Manitoba Penitentiary, Saskatchewan Penitentiary and British Columbia Penitentiary. The result has been that each one of those institutions is a hodgepodge of buildings of different sizes and shapes. They are full of nooks and crannies and are overcrowded, with each one of them being anywhere from 50 to 100 per cent over capacity or logical capacity. Incidents occur in these cul-de-

sacs and dark corners where inmates confront each other, or inmates confront staff, and staff is hurt. It was our hope that we could get away from this 100 years of folly that has been pursued in Canadian penitentiaries and develop something that would make it possible for us to carry out much more effective programs of inmate training in the future.

Mr. WINCH: Have you found the need for any more instructors for concentrated courses or the enlargement of the opportunities for training?

Mr. MACLEOD: No, we have all the instructors that we can use in the shops that we have available in these old institutions. There is no way we can build more shops in these older institutions.

Mr. STAFFORD: The big thing I was getting at is that the prisoners are so unhappy about the sleeping quarters and living quarters and things like that. A week ago last Sunday I spent a few hours in the male penitentiary at Abbotsford. I talked to several prisoners and I particularly looked for those prisoners who would be the most unhappy such as habitual criminals. As you know, there are a lot of applications being taken out there for some reason or other under the habitual section of the Criminal Code. After talking to some of them—well, I can't say myself, but there was an amazing ring of happiness in their attitude toward the penitentiary, much different than you would find at Kingston Penitentiary.

Mr. WINCH: You just mentioned now sleeping accommodation and this is a question, I meant to ask. A few years ago, because of the overcrowding at the B.C. Penitentiary, they established a policy of having two dormitories, I think it was two dormitories where there were a considerable number of men sleeping in dormitories. Could I ask what was your reaction to that? If my memory is correct, they were about two years in dormitories. What was the reaction to having them all selected in the dormitory system outside of the fact that you discovered a still one day in one of the dormitories?

Mr. MACLEOD: As a matter of policy in Canadian penitentiaries, we are quite opposed to operating dormitories in maximum security institutions. We feel that in a maximum security institution every inmate should have his own cell.

Mr. WINCH: But how did this work when you had two dormitories?

Mr. MACLEOD: We got by with it, but that is why it was so essential to get a new building so we could put those men in their own cells.

Mr. STAFFORD: I talked to a few, Mr. Winch, in Kingston, just two or three months ago and they still have dormitories there.

Mr. MACLEOD: We are still operating three dormitories in Kingston. One of them is a dormitory where an officer was stabbed to death by an inmate about three years ago, Officer Wentworth. He went into the end of the dormitory during the night to inquire if something was wrong. The dormitory contained some 50 or 60 inmates, and he was stabbed to death in the washroom area. No charges were ever laid because none of the inmates in that dormitory would give any evidence. They all knew who had done it.

Mr. WINCH: So do you. I had correspondence over that.

Mr. MACLEOD: I have grave suspicions about who did it. Nonetheless, we want to get out of dormitories in Kingston Penitentiary, but we are not going to be able to until we get our new building.

Mr. STAFFORD: There is just one more question. A few prisoners I talked to didn't like the dormitory themselves.

Mr. MACLEOD: That is right. Not in maximum security. Now, in minimum security institutions there are dormitories there and there is no objection; there is a much freer atmosphere.

Co-CHAIRMAN (Mr. Watson): Mr. Winch, do you want to proceed now?

Mr. WINCH: I am sorry, but it just seemed to follow from one to the other.

Mr. STAFFORD: I think I have quite an interest in what the senator said. It is something I had not even thought of before, but I thought you added a lot to it, Mr. Winch, to the few questions I had asked.

Mr. MACLEOD: I would like to say this for the record, Mr. Chairman. Part of Mr. Kohl's evidence last Monday was to the effect that the American architectural firm of Helmuth, Obata & Kassenbaum, with whom we worked in designing both of those institutions, had a member by the name of Mr. Dan Gale. I understand that Mr. Kohl's observation was to the effect that he was the only correctional architect in the H.O.K. firm and that the liaison was exclusively between Mr. Gale, our architect, Mr. Simpson, and myself. Now, if that is what Mr. Kohl said, I have to tell the committee that it must be based on some misapprehension of his because it is not true. Indeed, I think it would be fair for me to say that, as far as the design of these two institutions is concerned, of the members of the firm who were architects, Mr. Gale was the only one with whom we did not consult. Our primary consultations were with the second senior member, Mr. Obata and another senior member of the firm, Mr. Bear. We did not have any discussions with Mr. Gale about the design of the institutions. I would hope that the rest of his evidence is not as unfounded as that particular observation was.

Mr. WINCH: I might suggest, Mr. Chairman, that I think it will be of interest, if Mr. MacLeod will show his slides on this matter and then perhaps go into the matter which I raised at the previous meeting, this matter of not only new construction, but the dissociation completely.

Senator PROWSE: May I ask one question? I am not certain whether it was Mr. Kohl or one of the other witnesses the other afternoon who suggested that rather than go ahead with the plans which may end up as a \$110 million mistake, rather than build prisons that could be scrapped, he suggested Nissen huts and I said "Or tents" and the answer was "Yes." Now, leaving out the tents, which is probably ridiculous to deal with, would it be possible in your opinion, on an experimental basis and for the time being, to set up institutions of, say, Nissen huts where most of the material would be salvaged or presumably could be salvaged, and use them until such time as you are satisfied you have got the very best possible form of prison?

Mr. MACLEOD: No, senator, not having regard to our definition of maximum security inmate. We are talking about an inmate who is likely to make active efforts to escape and who, if he does escape, may very well be dangerous to the community when he is at large. Nissen huts would be fine for your minimum security inmate and, indeed it is that kind of inexpensive building that we use for our 1,200 or 1,300 inmates who are in minimum security; but not for our maximum security inmate who is very often usually a conspiring type of individual who is trying to get out and doesn't care who he hurts in getting out and doesn't care who he hurts while he is out.

Mr. WINCH: You mean like the Agassiz farm where the Doukhobors were?

Mr. MACLEOD: That is right, our farm annexes.

Senator PROWSE: When we are dealing with maximum security institutions you can't monkey around with anything less than a maximum security design.

Mr. MACLEOD: That is exactly so.

Mr. STAFFORD: Well, one time right in the workshop, for no reason or other, just because a man was asked to go on haircut parade, a guard was slugged and he will never again regain his right mind.

Mr. WINCH: Perhaps I should bring down my collection of weapons.

Mr. MACLEOD: These incidents have occurred over the years. In Kingston Penitentiary, two inmates took five officers hostage in the kitchen and held them hostage for 28 hours in an office above the kitchen threatening to chop their heads off and pluck out their eyes and throw them down on the floor. It was a most dreadful performance, with me at the end of the telephone here and the warden at the end of the telephone at Kingston, trying to play it coolly minute by minute for 28 hours. Now, these things can happen among security inmates and we have got to have the design of an institution that will limit the possibilities to the barest minimum of such things occurring.

Senator FERGUSON: This follows on something that Mr. MacLeod has said. In referring to Mr. Kohl's statement about Mr. Dan Gale, Mr. Kohl said of this firm that Mr. Dan Gale is the correctional architect and the other members do universities and other buildings.

Mr. MACLEOD: That is not so. Mr. Gale had nothing to do with the design of the Marion institution. That institution was designed by Mr. Obata who worked with us, and by Mr. Bear who worked with us. Actually, it is the other way around: Mr. Gale is not concerned with correctional architecture.

Senator FERGUSON: The others are. But if he was a correctional architect it seems to me it would have been more wise to have consulted with him. If he isn't, of course, that is different.

Mr. MACLEOD: Well, he isn't.

Co-CHAIRMAN (*Mr. Watson*): Are there further questions?

Mr. MCQUAID: In his evidence before us last week, Mr. Kohl was very critical of your proposed method of bringing food in to prisoners. He mentioned two objections. One was trouble in keeping it warm, but the other one seemed to me to be rather legitimate, the fact that there was very grave danger of the smuggling of contraband into the prison if you had three trips daily with food. Have you investigated that?

Mr. MACLEOD: I don't say we will have no trouble, but we will have very little trouble in this respect. We would expect to have more trouble actually by way of contraband if we had vans of supplies being delivered; the raw vegetables, the raw goods of which the meals are cooked being delivered into the institution on a daily basis. The food that is prepared in the outside kitchen, outside the wall, will be prepared in bulk, it will be in heated carts, the carts will be in an insulated truck, the carts themselves will be locked by another officer in the kitchen and they will be unlocked by another officer when they are received inside the wall. The chances of contraband being brought in these circumstances will be minimal.

Mr. MCQUAID: Do I understand the food will come in in individual packages for the prisoners and be assembled in the kitchen?

Mr. MACLEOD: Yes.

Mr. MCQUAID: This is a supplementary question which I think is very important. Dr. Scott prepared a paper in 1966 entitled "Monograph of Penitentiary System". Now, according to Dr. Scott, there were at that time, approximately 1,000 inmates at Kingston Penitentiary and they are receiving now 40 hours per week of psychiatric treatment. Is that statement correct?

Mr. MACLEOD: Well, we have a full-time psychiatrist, Dr. Scott, and we have a part-time psychiatrist, Dr. McCaldon. Dr. Scott works full time, whatever the working day for a psychiatrist is. I suppose it runs to six hours or six and a half

hours, something like that. Dr. McCaldon works half a day five days a week, and we have on a consultant basis, one or more psychiatrists in the Kingston area, but we have not got enough. We look forward to the institution of this regime where we will have psychiatric interns from Queen's University working under the direction of Dr. George Scott.

Mr. McQUAID: My point is, Dr. Scott said that a 400-bed prison would only require $4\frac{1}{2}$ hours of psychiatric service a week. If you have 40 hours for 1,000 prisoners you are not too far below the standard recommended by Dr. Scott. He maintains that $3\frac{1}{2}$ minutes per inmate per week is all that is required by way of psychiatric treatment.

Mr. MACLEOD: I really don't know, I don't think I read his monograph on the subject, but Dr. Scott does not cry to me that he needs a lot more assistance in the Kingston area.

Mr. McQUAID: That is what I am coming to. From what Dr. Scott says, you are down to two on your staff at Kingston and you are apparently, understaffed in some of the other prisons.

Mr. MACLEOD: I do think there is a lot more that could be done. If we could get more psychiatric help, I would like to see an intensive study made in relation to the sexual offender and I would like us to be able to provide more intensive psychotherapy for the small number of badly disturbed individuals whose psychiatric problem is so very deeply seated. And, of course, as Mr. Simpson reminds me, when we build our regional medical centres, one in each region, which are now in the design stage, we will be able to provide more intensive training than at the moment. Mr. Winch's selection of implements—this, for example, is a revolver that was manufactured in a penitentiary out of materials that were there. This is the sort of thing that you come up with on a search of individuals or a search of an inmate's cell—all of these. These, of course, have been manufactured from metals that have been used in the metal working shops.

Mr. McQUAID: How does Mr. Winch get hold of these exhibits?

Mr. MACLEOD: He was out visiting British Columbia Penitentiary and I do believe that this was a collection that the warden of British Columbia Penitentiary had. Mr. Winch demonstrated his interest and asked if he could take them away for the purpose of some speeches he was making or lectures he was giving. I don't know whether the warden gave them to him or not.

Mr. WINCH: They were the results of spot checks in the British Columbia Penitentiary. I was there and I asked because I am intensely interested in the inmates and I am also interested in the guards. The warden said that most certainly I could have them, and these are only a few that were picked up that day.

CO-CHAIRMAN (*Senator Benidickson*): That day?

Mr. WINCH: No, I am sorry, over a period. I am interested in the inmate, but I am also interested in the guard. That is part of a toilet plunger. (*Indicating*)

Mr. MACLEOD: Is it a zip gun?

Mr. WINCH: No, the most fantastic one there is what looks to be a gun. Now, that was made in the auto repair shop from a discarded spotlight, and the three knives are made from files. As I say, I am interested in guards as well as inmates. I have just been asked if the gun works and the answer is no, because it was seized before it reached that point. The intriguing point is that it has no trigger. The answer was that the switch at the bottom, if it had ever been finished, was going to be the exploding mechanism.

Mr. MACLEOD: Well, on one search of an attic over the gate of Kingston Penitentiary, some years back, we found a bow and a complete set of arrows. I think the idea was that some of the inmates would conceal themselves in the attic which had a window that looked over in the direction of the tower where an officer was on tower duty, and the plan would have been to shoot an arrow at the officer. This would be during the night. The prisoner would then make his getaway over that wall taking his weapon with him. This was discovered by virtue of a search. But these things only go to indicate the type of people that we have to deal with and have to be on guard against, because you may know full well that out of 100 inmates in maximum security only 10 are capable of such things—but which 10? We have not yet reached the stage where we can analyze human nature and appearances so well that we can pick the 10 out of the 100.

Senator PROWSE: Would it be fair to say that as long as you are limited to the overcrowded prisons you already have, it is practically impossible to undertake the curative kind of program you have in mind that you think would be possible in this type of prison even with the handicaps you may have?

Mr. MACLEOD: Because of our overcrowded maximum security institutions, 35 per cent of our inmates are not getting the kind of training and treatment that they require if they are going to be able to stay out of penitentiary in the future in any substantial numbers.

Senator PROWSE: And which you think you can give them in this type of institution.

Mr. MACLEOD: That is right. We think that this type of institution will make it possible to carry on an intensive program for them. It will protect the public and it will protect the staff.

Senator PROWSE: I don't want to put you on the spot, Mr. MacLeod, but would it not be true that no matter what design you come up with, perfectly well-meaning, qualified persons will undoubtedly come to different opinions about that design?

Mr. MACLEOD: That is quite true, sir.

Senator PROWSE: In other words, there is no such thing, so far as you have been able to ascertain, as a perfect prison?

Mr. MACLEOD: There is no such thing as a perfect design. To emphasize one aspect of the program you have to give up something else in order to do that. That is what the minister said on January 24 when he was here, that the present design is a matter of compromise and there is no perfect solution.

Senator PROWSE: Like politics, the ultimate is not possible.

Mr. WINCH: There is one angle there. Some of these men are pretty brilliant and ingenious and they will always come up with something. I can remember a good many years ago that you couldn't have tailor-made cigarettes in prison because they came in with narcotics inside. It was not too many years ago, but you had to stop all envelopes because under the stamp in the mucilage of the envelope, they were brushing in the narcotics. So, no matter what you jolly well do, they have got the time and many of them the ingenuity to think their way around. In view of that knowledge—and they are smart—I will never forget in that dormitory how it took the guards a number of days to find out how the men were getting drunk. They finally found a still and it was most ingenious the way that still was built in and how, with a little bit here from the kitchen and something here from the machine shop and something here from the automobile shop, they had built this most fantastic still. Now, are we going to find later on that money is better spent, perhaps, a little less on construction and a little more on rehabilitation?

Mr. MACLEOD: All we are trying to do, Mr. Winch, in our service, in the Department of the Solicitor General, is to try to make up for what should have been done by way of penitentiary development in Canada since 1890 and which was not done. Now, this last year and the current year we have opened, or will have opened, six new institutions and that is more than were opened in Canada between 1880 and 1960. For 80 years nothing was done, and something should have been done. These old institutions have never been maintained properly and they are falling apart. The wall at Dorchester Penitentiary is going to fall down one of these days if someone leans against it. That is an exaggeration, but not too much of an exaggeration.

The Co-CHAIRMAN (*Mr. Watson*): Are there further questions?

Mr. STAFFORD: If we talked about this for the next ten years and we had a dozen more designs there would still be just as many criticisms, don't you think?

Mr. MACLEOD: Absolutely.

Mr. STAFFORD: The need is so great that something has to be done fairly soon, as I see it from talking to the prisoners.

The Co-CHAIRMAN (*Mr. Watson*): Any further questions?

Mr. STAFFORD: Is that right?

Mr. MACLEOD: That is right.

The Co-CHAIRMAN (*Mr. Watson*): If there are no further questions, I will direct a question to you, Mr. MacLeod. At the bottom of page 208 I asked Mr. Kohl whether or not it would be better to go ahead with the maximum security facilities that were immediately necessary and then perhaps to develop with some of the new technologies available, an even more efficient system that he had supposedly developed. His answer to me was:

My answer to you, sir, is absolutely in the negative. It would not be wise, because your description of this scheme—your words are even though they have some deficiency. This does not have deficiency, . . .

and he is describing the C.P.S. plan. He said:

This does not have deficiency; this is a tragedy. What is being built at Ste. Anne des Plaines will be worse than St. Vincent de Paul Penitentiary, but with better plumbing and lighting.

Now, Mr. MacLeod, this is a very, very serious criticism that Mr. Kohl has directed at the C.P.S. plan. What do you think about this statement he has made?

Mr. MACLEOD: Well, it certainly may be an expression of his opinion, but just glancing at it hurriedly he doesn't say why. He says it is going to be worse than St. Vincent de Paul except for better plumbing and lighting. I really don't know what I can say except that I don't agree with him, and there is nothing that has been presented to us to indicate that he is right.

Mr. WINCH: I have not gone over it, but I was at the meeting where he said that there were too many control points. Even in your dining room you have got the dome where you are going to have a man with weapons—everywhere too many control points.

Mr. MACLEOD: Mr. Winch, he produced a design for the Canadian Committee on Corrections and he had more control points in his design than we have in ours. We have something like six, I believe, and he had eight or nine in his. The design he came up with was for 250 or 225 inmates as compared with our 450, but where we would need five, six or seven institutions of our type at, say \$7 million each, on his design you would need 14 at about \$5 million each. Now, the

Treasury Board, I don't think, is going to be particularly enthused with that kind of an idea. Moreover, with his design it would be another two and a half to three years before you were ready to start digging.

Mr. WINCH: He said it could be done in four months.

Mr. MACLEOD: I have talked to architects and I have gone through the business.

Mr. WINCH: Well, he said it could be done in four months.

CO-CHAIRMAN (*Mr. Watson*): Provided you adopted his plan 100 per cent right away.

Mr. WINCH: At the same time he also had a major criticism and that was the supplying of food. His position was that if they got their bacon and eggs the way you have it designed, they were not going to like their bacon and eggs.

Mr. MACLEOD: In LeClair institution or the Joyceville institution, there is nothing wrong with the way the food is served or, as a matter of fact, in airplanes in this country. The people who serve food know how to cook it, package it, and deliver it. It is perfectly good and we have no fears on that score at all.

Senator PROWSE: And hospitals.

Mr. MACLEOD: Hospitals, yes. Our scheme is one that is incorporated in every new hospital that is built in this country.

CO-CHAIRMAN (*Mr. Watson*): Why does your plan, the C.P.S. plan, have the food facilities outside the prison walls? This was one of his major criticisms.

Mr. MACLEOD: Because people who have administered maximum security institutions have prayed for years that they could get rid of kitchens within the prison walls.

Mr. STAFFORD: Instead of the prisoners.

Senator PROWSE: I gather from what Mr. Kohl said that you didn't need to have that many actual control points showing, that the important thing was to have people thinking they were being watched, but not seeing them. I didn't ask the question, somebody else had asked it sooner before I was here, but I thought that perhaps what he had in mind was you had a control point and the prisoners could see the control point but they couldn't see whether they were being watched and would then behave so that you only needed one man to cover, say, seven stations because no one knew where this man was going to be. This is what I think he must have had in mind from what he said. His objection, as I recall again, was that the sight of a man with a gun was the thing that set the prisoner off, not the sight of the control point. Is there any validity in a suggestion such as this? In other words, should your control points be set up with something similar to one-way glass or something so that the men are not aware that there is a man with a gun there, but if they are up to something and they look around they can say, "Well, he might be there," but they are not faced with it when they are thinking kind thoughts, let us say?

Mr. MACLEOD: No, the inmates have to know that there is an officer there. I don't like the idea of windows that only operate one way, spying on people. I think it is only fair to the inmate. The officer is not going to be armed in all possibility. The guard can have a button, he can warn if something goes wrong, but I think this kind of theorizing would be fine if you are sitting around now to develop some institutions and there was not any sense of urgency and we could take our time and develop it, say, six or seven years from now, but we are not in that position.

Mr. STAFFORD: Senator, if you were a prisoner and you could see the guard and someone was spying on you at all times, wouldn't you rather see the guard and at least know he was there?

Mr. WINCH: I have discussed that with people and I have never heard anybody yet that wanted one-way glass.

Senator PROWSE: I am not making any recommendations. I am trying to find out from the people who deal with prisoners whether this is an objectionable problem or whether it is a sensible idea which might have as much merit as it seems to at the moment.

Mr. MACLEOD: I feel, senator, that that kind of movement where the men are being spied upon and do not know it at the time would widen the gulf between the inmates and the guards more than it is now.

Senator PROWSE: The same thing with telephone tapping. If they tell me a telephone is tapped, that is fair enough, but if they tell me later, that is a different thing.

Mr. WINCH: Perhaps it is a psychological question, but I was in a penitentiary about four months ago and I had to visit three of the inmates in a dissociation cell. In that half-hour period when they were out for exercise or when they came out for their meal, they were completely closed in, steel doors and everything. When they came out for their meals they came out only, when I was there, two at a time. That was all that was allowed, and they just came straight out, picked up the tray and were right back in their cells, and yet pacing back and forth in that corridor was a man with a gun. Now, what is the reaction?

Mr. MACLEOD: Well, I am surprised.

Mr. WINCH: When they came out for lunch there was a man with a gun.

Mr. MACLEOD: Did he have a rifle or a revolver?

Mr. WINCH: He had a rifle.

Mr. MACLEOD: He was up on the catwalk?

Mr. WINCH: Yes, on the catwalk and there was a man pacing back and forth with a rifle. When they came out to pick up their lunch the first thing they saw was a man pacing back and forth with a rifle. I am not a psychologist, but—

Mr. STAFFORD: Where was it?

Mr. WINCH: B.C. Penitentiary.

Senator PROWSE: Supposing the man on the catwalk had a whistle or a microphone and the fellows would come out to get their food and presumably they are getting it from someone moving a cart along and the guards are involved with the prison personnel—

Mr. WINCH: If my memory is correct, there were three guards. Of course, they were unarmed.

Senator PROWSE: They had one of these fancy little gadgets like you had here. I would think that a man with a rifle might be able to protect the personnel, but a fellow with a microphone would be a little too late to do anything except call an undertaker.

Mr. WINCH: But I was thinking of this dissociation cell. It is hard for me to conceive that you could have this system there.

Senator PROWSE: I have talked to people who are in charge of locking them up and I doubt if there is any place that they could have this.

Mr. WINCH: If they are in a dissociation cell, they are in their cell 24 hours a day.

Co-CHAIRMAN (*Mr. Watson*): These questions that Mr. Winch and Senator Prowse have raised have to do with the question of control that Mr. Kohl was complaining about. Now, at the bottom of page 207 Mr. Kohl was asked:

If I remember correctly, in your earlier testimony you stated that the C.P.S. plan had too much control?

and Mr. Kohl said, "Yes, sir" and then he said on the next line:

The point is, sir, that the excess control is a disaster in a rehabilitative program.

I think this is what Mr. Winch has been getting at. I would like to ask you, Mr. MacLeod, whether you have studied Mr. Kohl's plan thoroughly and if you can tell us whether his plan has more or fewer control points than the C.P.S. plan.

Mr. MACLEOD: His has more.

Mr. WINCH: And advantages? Would you ask that too, because if you remember he also pointed out how the psychiatrists and psychologists were at opposite ends from the others? If I might ask you to include that in your question.

Co-CHAIRMAN (*Mr. Watson*): Well, the question was raised at the time he showed his slide why the classification in the psychologist section was at the other end of the building from the medical and the psychiatric section of the prison.

Co-CHAIRMAN (*Senator Benidickson*): Was this on or off the record?

Mr. WINCH: It was on the record.

Co-CHAIRMAN (*Mr. Watson*): It was asked when he was showing the slides, I believe, and that was not recorded.

Co-CHAIRMAN (*Senator Benidickson*): Some of the testimony when the slides were on I believe was not recorded.

Co-CHAIRMAN (*Mr. Watson*): None of the testimony when the slides were on was recorded. It was too bad.

Mr. WINCH: I am sorry, I didn't know that.

Co-CHAIRMAN (*Mr. Watson*): We would like to know what your feeling is on this question of having these two sections instead of being next to each other, as most of us understood was the normal practice in the new prisons, in separate areas of the prison.

Mr. MACLEOD: Because they have separate functions. Mr. Simpson, would you like to speak to this, please?

Mr. Ian Simpson, Facilities Planning Officer, Canadian Penitentiary Service:
I don't know if the statement that they are together is a correct one. They are not together in the medium security. I think the main point with it is that the sick bay, as we call it, or the hospital, as it used to be called, is strictly a medical facility and is under the jurisdiction of the medical officer. Its prime function is the daily sick parade of inmates who report sick in the morning and maybe later on in the day, and to which inmates come by appointment at other times for special reasons. This prime function requires that the sick bay be so located that with inmates moving to and fro, inmate movement can be easily controlled. The proximity of the psychiatrist and psychologist, I think, is the nub of the question, because the psychologist is in a way performing a non-medical function. Granted it is related to inmates, but it is a non-medical function and the psychiatrist, having interviewed an inmate, will write a report about him and then the contents of the report are made available to the other members of the treatment

staff. In dealing with a particular inmate a staff discussion is held regarding a particular inmate in which various members of the staff, the psychiatrist, the classification officer, and so on, would come together. They would come together, for instance, in a conference room and discuss this particular inmate from their own particular aspects.

Co-CHAIRMAN (*Mr. Watson*): It seems to me, Mr. Simpson—and I am only speaking from memory, but at Cowansville I thought that the reception facilities, the classification facilities, the psychology facilities, the psychiatric and the medical facilities, were all more or less combined in one section.

Mr. SIMPSON: Not really, no.

Co-CHAIRMAN (*Mr. Watson*): I understood that this was the setup that they felt was most feasible at the Kingston women's prison and I understand that this is more or less an accepted principle in prison design in the U.S., that you have these things together because when they come in for screening you have all your facilities together and it seemed to make sense. I just wondered why, and this appeared to me to be one of the legitimate criticisms that Mr. Kohl made and I would like to have an answer that would satisfy me that the C.P.S. design is just as good.

Mr. WINCH: Mr. Chairman, my apologies, because I am most interested in this, but unfortunately I agreed to go to a steering committee of the Defence Committee, so would you accept my apologies?

Co-CHAIRMAN (*Mr. Watson*): Did you have any questions you wanted to ask right now?

Mr. WINCH: No, I will speak to Mr. MacLeod on the phone.

Mr. SIMPSON: I think, Mr. Chairman, to answer your question, I could perhaps put it this way: there are a number of clearly defined operations which are undertaken in a prison to do with inmates. Take one of them, for instance, reception of the new inmate coming into the institution. This is undertaken in a specific area to which a number of officers, including, say, the medical officer go for that particular function. It is more effective to handle the inmates in this way through the reception process and then on to their cell allocation with these various specialists coming to this place.

The reverse of this, for instance, would be to say that because the sick bay belongs to the medical officer the medical officer should be in the sick bay and, therefore, you would move the inmate during this process from here to here to the doctor, from here to here to the classification officer, from here to here to get his clothing. This is an inefficient way of handling the procedure.

Co-CHAIRMAN (*Mr. Watson*): Well, are you not arguing in favour of what I just said, that by having them all together—

Mr. SIMPSON: No, because it is physically impossible to get all these units so close together that they will be effective in their planning. Even if you had them one floor above the other to get them, say, vertically stacked, they would be as close as you could get them, but a sick bay requires a certain size. It has to have certain facilities in it.

Co-CHAIRMAN (*Mr. Watson*): If I remember correctly, with your sort of hub design or wheel design with each spoke in the wheel, so to speak, was a separate building and, therefore, more or less interchangeable. Would it be possible to simply in your present design move the building that houses the reception, classification and the psychology section beside the medical section?

Mr. SIMPSON: I think the answer to that would be that we would then be creating an unwieldy building with a complex traffic flow through it. If your

building is this long and you are going to add another building on the end of that, then to go from here to here the distance to be walked is the same whether the building is here or here.

CO-CHAIRMAN (*Mr. Watson*): So it is your contention then that where these things are located in the prison really doesn't matter very much.

Mr. SIMPSON: Oh, yes, it matters a lot, but I think the prime criterion is the traffic pattern, you might say, for its major use, and the major use as regards the sick bay is daily where we might have 60 or 120 inmates reporting sick each morning. To have them coming into the area of the classification officer or the psychologist which is a quiet office area where the routine is individual interview would be to cause a chaotic traffic pattern.

Senator PROWSE: But you do have people sitting around with nothing to do, waiting for classification, waiting to see the psychiatrist. The psychologist is testing, isn't he? Usually he is involved in testing.

Mr. SIMPSON: Testing, assessment, writing reports and individual interviews.

Senator PROWSE: Ordinarily the psychologist and psychiatrist are not going to look at the same people at the same time. The psychiatrist may be interested in the psychologist's report, but normally one is analysis or evaluation and the other is treatment, am I correct?

Mr. SIMPSON: Yes.

Senator PROWSE: So you have to consider the density of the unoccupied or unguarded persons that you have in any one place at one time.

Mr. SIMPSON: That is correct.

CO-CHAIRMAN (*Mr. Watson*): We heard evidence this morning that in the C.P.S. design there would be 15 possible classification groups. With your knowledge, Mr. Simpson and Mr. MacLeod—I direct the question to both of you—would this number of groupings be possible under his design or do you feel that the C.P.S. design has more classification pooling possibilities?

Mr. SIMPSON: I think the answer to that, Mr. Chairman, is that the Kohl design dealt with half the number of inmates. If you split the 15 cell wings of the C.P.S. design into two it would be 7 or 8 wings. From my recollection I think Mr. Kohl's design has 7 or 8 cell wings. His idea was the desirability of cutting down each cell range to a smaller number of cells; but his design, being for half the population of the C.P.S. design, from what I can remember, he only shows half the C.P.S. number of cell ranges.

CO-CHAIRMAN (*Mr. Watson*): So there is no real difference in the classification groupings possible when you consider that one would have the advantage of fewer people but the other would have the advantage of more groupings?

Mr. SIMPSON: Yes.

CO-CHAIRMAN (*Mr. Watson*): So that divided by the number of inmates, the groupings are about the same?

Mr. SIMPSON: I think, as I said earlier, it is a matter of compromise. There is also the question of interpretation of the word "segregation"; in this context it is providing a separate area for the inmate to live in as regards rooms in a group that are separate from other inmates.

CO-CHAIRMAN (*Mr. Watson*): It seems to me that Mr. Kohl said something about using the day rooms together, and that this would eliminate the segregated advantages that you had.

Mr. SIMPSON: Well, Mr. Chairman, I have read through Mr. Kohl's evidence in the transcript and from what I can understand of what he was saying he was using a very narrow definition of "segregation"; in other words, his definition appeared to me to infer that each individual inmate should be segregated and on his own he should go to the auditorium or on his own he should go somewhere else. Therefore, when we are talking about groups of inmates going, we have to look at the meaning of "segregation".

Co-CHAIRMAN (*Mr. Watson*): I wonder if the committee would like to come back this afternoon. What is the feeling of the committee? We will sit, then, this afternoon from 2:00 to 3.00.

Is it the desire of the committee now to adjourn until two o'clock? What is the feeling of the committee?

I have some more questions to ask here, but if there are not going to be many more questions we have a gentleman from the Borstal system who is in Canada who could be available today for questioning if the committee desires.

Co-CHAIRMAN (*Senator Benidickson*): Mr. Brister is governor of one of the Borstal institutions in the United Kingdom and, as I understand it from what Mr. MacLeod told me, is in Canada on a Nuffield grant and is looking at some of our institutions, but would especially be able to tell us something about the Borstal system.

He is here today and it would be convenient to have him with us. He has kindly consented to submit to questions. He is, however, going to be working out of Kingston next week and could come back if we find it impossible to carry on this afternoon.

Co-CHAIRMAN (*Mr. Watson*): Well, we will plan to come back at 2:00 this afternoon, but I think we should try to finish now the questioning of Mr. MacLeod and Mr. Simpson.

Senator PROWSE: I have no formal questions I want to ask right now.

Co-CHAIRMAN (*Mr. Watson*): I have a couple more questions here. The suggestion was made, not by Mr. Kohl, but either Mr. Kirkpatrick or Magistrate Kenrick on Monday that it might be a solution to our maximum security problem if we put a maximum perimeter around a medium security-designed prison. What do you think of this, Mr. Simpson?

Mr. SIMPSON: Well, Mr. Chairman, I think a short answer to this is that if your medium security institution is designed correctly for medium security inmates, then it will not be suitable for maximum security inmates except at a disadvantage.

Co-CHAIRMAN (*Mr. Watson*): What would be the disadvantage?

Mr. SIMPSON: The disadvantage would be in the field of the control of movement of inmates. I could explain quite simply on the drafting board some of the great similarities there are between the two institutions. The cell, for instance, is identical except for the design of the window. What we call workshops or our daytime activities building where the daytime training takes place is identical. The sick bay design is virtually an identical building. Items like chapels, the offices, the classification officers' offices are virtually identical spaces, so that the inmate training and treatment space in both these designs is very, very similar. The difference lies in the concept of movement and control. This is where the two plans materially differ, although even in the medium security there is a degree of movement control that is developed further in the maximum security design. For instance, the enclosed walkway in the medium security

design is a device for restricting inmate movement out of the area you want them to go, during the evening hours in particular, and is developed further in the maximum security design.

Mr. MACLEOD: If I could add something here. Building a wall around a medium security institution is not going to change the characters or the attitudes of the inmates who are maximum security types. It is not going to make them more tractable or easier to influence, it is not going to make them less hostile. The wall is separate. It takes more than a wall to be able to control a maximum security inmate whom you might put in a medium security institution, and if that were all that were necessary we already have allowed for double fences around our medium security institutions and it would be just a matter of putting up gun towers if you thought that no more was required than just perimeter security. So this does not add up. You are dealing with a different type of inmate and you need a different kind of plan.

Senator PROWSE: You need a different degree of protection for staff in one than you do in the other, is this not so?

Mr. MACLEOD: That is right, all under the heading of control of inmates. It is not a punitive control. Just because we use the word "control" doesn't mean it is going to be harsh or made more difficult for the inmates.

Senator PROWSE: It is for the protection of other inmates and protection of the staff. Where you get into medium security this is not a serious problem.

Mr. MACLEOD: That is quite so because you are dealing with a different type of inmate.

Mr. SIMPSON: Might I add just one more thing? There is one simile that one can draw on this which is not completely relevant, but in the simile there is some validity. If you imagine the old type of grass airfield with three or four club aircraft flying around and they come in and land and everything goes safely and you compare that with even Ottawa Airport or Chicago Airport; the system we have in here would be most likened to a system of air traffic control where the inmates are moved to their various places under some form of organization which would, in the case of an airfield, prevent collisions and in the case of the institution would prevent undue interference between inmate and inmate.

Senator PROWSE: It seems to me that there are two problems that come into conflict whenever you are dealing with the question of prisons today. One is the question of rehabilitation and the other is the question of control. I think there is an inevitable conflict in this area. Now, I assume that the reason people are in maximum security prisons is that they are not immediately expected to be susceptible to rehabilitation influences. You are going to try but you don't expect to have success. The reason you are putting people into medium or minimum security institutions is that you are counting on them being rehabilitated, and that when a man in a maximum security institution is classified and reaches the point where you are satisfied that he is now ready for rehabilitation processes is there any reason why he could not then be moved from the maximum security into one of the minimum or medium security institutions?

Mr. MACLEOD: That would be the normal course of development.

Senator PROWSE: In other words, the people we are dealing with in these maximum security institutions are people who have not yet indicated or given any indication that they are going to be receptive to rehabilitative treatment, am I correct?

Mr. MACLEOD: That is right, or if not at least they have given so little that they cannot yet be kept in medium security institutions.

Senator PROWSE: They are not in the position where they can be given the training which is the basis of the process. Has Mr. Kohl designed institutions which are in use anywhere?

Mr. MACLEOD: No, as far as I know he has not. He has two on the drawing board, I think, at the moment.

Senator PROWSE: And this is for the Province of Ontario?

Mr. MACLEOD: One is a prison for women and one is a regional jail.

Senator PROWSE: These are dealing with people who are going to be doing relatively short sentences, a maximum of two years, and so on?

Mr. MACLEOD: Yes.

Senator PROWSE: In other words, not dealing with the same type of problem we are dealing with in maximum security.

Mr. MACLEOD: Ours are those dealing with two years as a minimum to life imprisonment as a maximum.

Mr. STAFFORD: I have been reading Mr. Kohl's harsh criticism of the present design and his minimizing of the qualifications of the architects which you hired. What would his fee be if his design were accepted?

Mr. SIMPSON: All I can say, sir, is that he would be hired by the Department of Public Works whose fee scale, I believe, would be 5½ per cent of the cost of the institution.

Mr. STAFFORD: What would the approximate cost of an institution with his design be?

Mr. SIMPSON: Well, if his design is taken as a capacity of 250, I would hazard a wild guess of about \$5 million, but we would need two of them for every one of ours.

Mr. STAFFORD: So 5½ per cent of 5 million would be it?

Mr. SIMPSON: Or \$10 million for the two of them.

Senator PROWSE: What is the cost of this institution?

Mr. SIMPSON: Approximately \$7 million for that institution as you see it there. There are other buildings and site services which are added to the cost, but are designed to serve more than one institution.

Senator PROWSE: The cost for this institution to house the same number of people would be what?

Mr. SIMPSON: I would say approximately the same or slightly higher.

Senator DESCHATELETS: Would this be not only the architectural cost but the engineering cost as well?

Mr. SIMPSON: I don't think one could be precise on that, sir. The \$5 million is an approximation of the building cost. Whether it would include fees or not, I am not sure.

Mr. MACLEOD: The tender awarded on the Ste. Anne des Plaines was about \$10 million, I believe.

Mr. SIMPSON: Without architect's fees or engineer's fees?

Mr. MACLEOD: They would be grouped together.

Co-CHAIRMAN (Mr. Watson): Was the Ste. Anne des Plaines done by architects?

Mr. SIMPSON: Ste. Anne des Plaines was done by Helmuth, Obatta & Kassenbaum who produced architectural drawings of the design. Then, a Mon-

trear firm of architects, who in turn hired engineers, produced their own designs for the electrical, mechanical and civil engineering, and the whole thing was then put into a package which then went out to tender as a package.

Co-CHAIRMAN (*Mr. Watson*): I have two further questions. On page 218 of the testimony on February 13 we asked Mr. Kirkpatrick whether or not it would be possible whether there was any terribly desperate pressure for new maximum security facilities in Ontario and his reply was: "No, there is not very much pressure and there will not be very much pressure for maximum security facilities once the Warkworth institution is opened". What do you think about this? Do you think that he was taking into consideration pressures from other maximum security prisons in Canada as well when he made this answer?

Mr. MACLEOD: I don't know what he was thinking of, Mr. Chairman, but the pressure has existed for some time. If you are going to get the population of Kingston from 850 down to 450—the Warkworth institution was not constructed with the idea that we would take 450 inmates from Kingston Penitentiary and transfer them down there. We don't know at this stage how many there will be who will be suitable to go to Warkworth, so I would expect that over the first year we might build up the population to about 300 and we will build it up very carefully. At the same time the courts are going to continue to send us convicted people. While it had been going down, last week our intake was 60. Our population rose by 60; that is, there were 60 more men at the end of last week than there were at the beginning of the week. This, again, is likely to continue, I think. So, we don't know. We have just got to build new maximum security institutions in this province.

Co-CHAIRMAN (*Mr. Watson*): If a new maximum security prison were built in Ontario would it tend to take people out of Kingston as well as from St. Vincent de Paul and other maximum security prisons?

Mr. MACLEOD: No. Generally speaking our federal penitentiary population is divided one-third in Quebec, one-third in Ontario and one-third over the rest of the provinces.

Co-CHAIRMAN (*Mr. Watson*): On this question of the expense of the C.P.S. design and the Kohl design, per inmate would the Kohl design be more expensive, Mr. Simpson?

Mr. SIMPSON: His last design which he calls Study L, I think one would say would be slightly more expensive. It would be more expensive on the basis that an institution for 250 is bound to be more expensive per inmate than an institution for 400.

Co-CHAIRMAN (*Mr. Watson*): Is it a fair comparison to label his as a \$5 million design for 250 and other a \$7 million design for \$450?

Mr. SIMPSON: I don't think it is unfair at all. There are certain areas—for instance, take the auditorium—exercise, spaces like that which are the same size. They are not reduced in size proportionately just because the institution is half the capacity, and this affects the cost so this is why the rate goes up with the smaller institution.

Mr. MACLEOD: And he, I think, would put an individual kitchen in each of his institutions. Another one of the reasons why we do not have a kitchen in our maximum security institution is that supposing this institution would be one of only four institutions in the complex, there might be two of these maximum security institutions, one a reception centre and one a medical-psychiatric centre. All four institutions would receive their food from the one kitchen serving the complex.

Co-CHAIRMAN (*Mr. Watson*): In the Ste. Anne des Plaines case, Ste. Anne des Plaines as I understood it is about 20 miles farther from Montreal than—

Mr. MACLEOD: Twelve.

Co-CHAIRMAN (*Mr. Watson*): Does it make sense that we should be enlarging the facilities to the extent that you have just indicated by making a complex of four buildings there when it is so much farther from Montreal than St. Vincent de Paul?

Mr. MACLEOD: It is 12 miles off the island of Montreal, I should think. It was property already owned by the Government, 600 or 700 acres of it, and it made very good sense, in our opinion, to get us off the Island of Montreal or further off the Island of Montreal, where St. Vincent de Paul is, where we would have some room to breathe. There is going to be good highway connections.

Co-CHAIRMAN (*Mr. Watson*): Can relatives get there easily?

Mr. MACLEOD: Very easily.

Co-CHAIRMAN (*Mr. Watson*): One further question. At page 195 of the evidence on Monday, Mr. Kohl criticized the lack of multi-purpose rooms in your design, the C.P.S. design. What do you have to say about that?

Mr. SIMPSON: Mr. Chairman, if Mr. Kohl had defined what he meant by a multi-purpose room, it would have been easier to answer. I think in his evidence a short time later on he describes the day room as being used for various purposes and that in our interpretation is multi-purpose. So a room that is used during the day, for instance, for academic schooling and is used in the evening for meetings of, say, AA groups or a stamp collecting group or for inmates to sit down to a course in some subject. This is our interpretation of multi-purpose, that the rooms are multi-purpose. Mr. Kohl doesn't state what multipurpose is in his interpretation.

Co-CHAIRMAN (*Mr. Watson*): Are there any further questions, gentlemen?

The committee adjourned.



First Session—Twenty-seventh Parliament
1966-67

PROCEEDINGS OF
THE SPECIAL JOINT COMMITTEE OF THE SENATE
AND HOUSE OF COMMONS ON
PENITENTIARIES

No. 7

MONDAY, FEBRUARY 27, 1967

JOINT CHAIRMEN

The Honourable Senator W. M. Benidickson, P.C.
and
Ian Watson, M.P.

WITNESS:

W. A. Brister, Governor, Morton Hall Borstal Institution,
Swinderby, Lincoln, England.

APPENDIX:

3.—Mr. Brister's biography.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

THE SPECIAL JOINT COMMITTEE OF THE SENATE AND
HOUSE OF COMMONS ON PENITENTIARIES

Joint Chairmen

The Honourable Senator W. M. Benidickson, P.C.

and

Ian Watson, M.P.

The Honourable Senators

Benidickson,
Cameron,
Deschatelets,
Fergusson,
Fournier (*Madawaska-
Restigouche*),

Inman,
Irvine,
O'Leary (*Carleton*),
Prowse,

Messrs.

Aiken,
Allmand,
Dionne,
Fulton,
Lachance,
Matheson,
McQuaid,
Prud'homme,

Ricard,
Rochon,
Stafford,
Tolmie,
Watson (*Châteauguay-
Huntingdon-Laprairie*),
Winch,
Woolliams.

(Quorum 10)

ORDER OF REFERENCE

(House of Commons)

Extract from the Votes and Proceedings of the House of Commons, Tuesday, March 15, 1966.

Mr. Pennell, seconded by Mr. McIlraith, moved,—That a joint committee of the Senate and House of Commons be appointed to consider the state of penitentiaries under the control of the Government of Canada and the plans of the Government in relation thereto with powers to report from time to time its observations and opinions thereon; send for persons, papers and records; adjourn from place to place; sit during sittings of the House; and print from day to day such papers and evidence as may be ordered by the committee, and that Standing Order 66 be suspended in relation thereto;

That 15 Members of the House of Commons, to be designated at a later date, act on behalf of the House as Members of the said committee; and

That a message be sent to the Senate requesting that House to unite with this House for the above purpose, and to select if, the Senate deem advisable, some of their Members to act on the proposed joint committee.

After debate thereon, the question being put on the said motion it was agreed to.

Extract from the Votes and Proceedings of the House of Commons, Tuesday, March 22, 1966.

On motion of Mr. Pilon, seconded by Mr. McNulty, it was ordered,—That a Message be sent to the Senate to acquaint Their Honours that this House will unite with them in the formation of a Joint Committee of both Houses to consider the state of Penitentiaries under the control of the Government of Canada and that the Members to serve on the said Committee, on the part of this House, will be as follows: Messrs. Aiken, Allmand, Dionne, Fulton, Lachance, Macdonald (*Rosedale*), Matheson, McQuaid, Prud'homme, Ricard, Stafford, Tolmie, Watson (*Châteauguay-Huntingdon-Laprairie*), Winch and Woolliams.

LÉON-J. RAYMOND,
Clerk of the House of Commons.

ORDER OF REFERENCE
(Senate)

Extract from the Minutes and Proceedings of the Senate, Wednesday, March 23, 1966.

Pursuant to the Order of the Day, the Senate proceeded to the consideration of the Message from the House of Commons requesting the appointment of a Special Joint Committee of the Senate and House of Commons on Penitentiaries.

The Honourable Senator Connolly, P.C., moved, seconded by the Honourable Senator Hugessen:

That the Senate do unite with the House of Commons in the appointment of a Joint Committee of both Houses of Parliament to consider the state of penitentiaries under the control of the Government of Canada and the plans of the Government in relation thereto, and to report from time to time its observations and opinions thereon;

That nine Members of the Senate, to be designated at a later date, act on behalf of the Senate as members of the said Joint Committee;

That the Joint Committee have power to send for persons, papers and records; to adjourn from place to place; to sit during sittings and adjournments of the Senate; to print from day to day such papers and evidence as may be ordered by the Joint Committee; and

That a Message be sent to the House of Commons to inform that House accordingly.

The question being put on the motion, it was—

Resolved in the affirmative.

Extract from the Minutes and Proceedings of the Senate, Tuesday, March 29, 1966.

With leave of the Senate,

The Honourable Senator Beaubien (*Provencher*) moved, seconded by the Honourable Senator Macdonald (*Cape Breton*):

That the following Senators be appointed to act on behalf of the Senate on the Joint Committee of the Senate and House of Commons to consider the state of penitentiaries under the control of the Government of Canada and the plans of the Government in relation thereto namely, the Honourable Senators Benidickson, Cameron, Fergusson, Fournier (*Madawaska-Restigouche*), Gouin, Inman, Irvine, O'Leary (*Carleton*), and Prowse; and

That a Message be sent to the House of Commons to inform that House accordingly.

The question being put on the motion, it was—

Resolved in the affirmative.

J. F. MacNEILL,
Clerk of the Senate.

MINUTES OF PROCEEDINGS

MONDAY, February 27, 1967.

Pursuant to adjournment and notice, the Special Joint Committee of the Senate and House of Commons on Penitentiaries met this day at 3:30 p.m.

Present: For the Senate: The Honourable Senators Benidickson (*Joint Chairman*), Fournier (*Madawaska-Restigouche*), Fergusson, Inman, Irvine—5.

For the House of Commons: Messrs. Watson (*Châteauguay-Huntingdon-Laprairie*) (*Joint Chairman*), Aiken, Allmand, McQuaid, Matheson, Tolmie and Winch—7.

In attendance: Professor Ronald R. Price, Special Assistant.

The following witness was heard:

W. A. Brister, Governor,
Morton Hall Borstal Institution,
Swindebby, Lincoln, England.

Mr. Brister's biography was ordered to be printed as appendix no. 3 to these proceedings.

At 5.40 p.m. the Committee adjourned to the call of the Joint Chairmen.

Attest.

Patrick J. Savoie,
Clerk of the Committee.

THE SENATE

SPECIAL JOINT COMMITTEE OF THE SENATE AND HOUSE OF COMMONS ON PENITENTIARIES

EVIDENCE

OTTAWA, Monday, February 27, 1967.

The Special Joint Committee of the Senate and House of Commons on Penitentiaries met this day at 3.30 p.m.

Senator W. M. Benidickson, P.C., and Ian Watson, M.P., (*Châteauguay-Huntingdon-Laprairie*), Co-Chairmen.

Co-CHAIRMAN (*Senator Benidickson*): Ladies and gentlemen, we were to have had a meeting in the middle of last week, but that did not prove possible. At the previous meeting it had been announced that we would have available to us Mr. Brister, who is here from the United Kingdom on a grant provided by the Nuffield Foundation, and who has been looking at some of our penal institutions.

Mr. Brister has recently been identified very directly with the Borstal Institution system which deals with younger offenders in the United Kingdom. He has had wide experience; he has been associated with institutions of other types and he has academic qualifications for the work he has been doing in addition to his practical experience. He is an honours graduate in jurisprudence with an M.A.

Rather than give too much detail about Mr. Brister's experience at this stage—and members will remember that he was with us briefly at a previous meeting—I would suggest that we should add as an appendix to today's evidence a very short biographical sketch which establishes the qualifications of the witness. Is that satisfactory to the committee?

MEMBERS OF THE COMMITTEE: Agreed.

(*See Appendix No. 3*)

Co-CHAIRMAN (*Senator Benidickson*): Furthermore it was arranged previous to this meeting that members should have sent to them copies of articles explaining the nature and the history of the Borstal concept together with some record of the activities of that institution. I think all members have received these copies. In addition there have been two other important documents which I am sure will provide a basis for your examination of Mr. Brister.

Mr. Brister tells me he is relying largely on these documents rather than the reading to you of a prepared brief. However, I have invited Mr. Brister to speak to you informally both about his background and his experience, and also to tell us a little about his experiences during this rather unique visit to Canada and to other parts of the world.

Mr. Brister, I think that was the agreement that you made. You do not have a written text, but you intend to speak informally to the committee and tell us something about your background and about your impressions so far from your visit to this country and from your visits to other countries.

Mr. W. A. Brister, Governor, Morton Hall Borstal Institution, Swinderby, Lincoln, England: Mr. Chairman, to deal, firstly, with my own biography very shortly for the benefit of members of the committee who may not have received

or had time to read a copy of the notes circulated, I have had over seventeen years' experience in the England and Wales Prison Service. Of that, approximately ten years were spent in maximum security conditions, part of the time engaged in staff training, in the selection of prison officers and Assistant Governors. I have also had experience, for just over two years, as Deputy Governor of Manchester Prison, which was a combined male and female prison. So, I have had experience of adults in maximum security conditions, of women, of staff, training, and of juvenile offenders.

The purpose of my visit to Canada is to examine both the federal and the provincial systems. I was granted a Nuffield Travelling Fellowship in order to do this. The brief from my superiors when I came was to examine three things in particular: namely, the system of security in use; the treatment of persons suffering from addiction to drugs; and, finally, the workings of the National Parole Board. These are three things with which the home Office is particularly concerned at the present time; and on my return I am expected to make recommendations as to what can be adopted from the Canadian system.

I hope the committee will appreciate that I am just on the point of completing this very wide tour, and I have not as yet put my ideas on paper or cast them into any very coherent form. However, since I have been to all the penitentiaries, with the exception of Stony Mountain in Manitoba, and have seen a good deal of the provincial systems as well, it was suggested to me that perhaps answers to such questions as the committee members care to put, coming from an outside observer—who, although he has prison experience, has no connection with the Canadian system—might be of some interest to the committee.

That really covers why I am here today, sir.

Co-CHAIRMAN (*Senator Benidickson*): Thank you very much.

I have not anyone on my list yet. Perhaps Mr. Tolmie would like to start?

Mr. TOLMIE: Perhaps you are not aware that this committee is studying the proposed design of a maximum security prison for Canada. We have to decide with regard to the designing, and we have been placed in a difficult position because there are conflicting opinions as to the design we should accept. I was wondering whether you have had an opportunity to consider the proposed design produced by the Canadian Penitentiary Service.

Mr. BRISTER: Yes, I have.

Mr. TOLMIE: And also whether you have had a chance to consider the critical approach as illustrated by the Corrections Association, in particular, through Mr. Kohl? I think it would help the committee very much if you gave your opinion as to the merits of the two conflicting proposals.

Mr. BRISTER: I have had every opportunity of examining both models and plans of the Penitentiary Service's proposed maximum security prison, and I have discussed them at some length with Mr. Ian Simpson, the Facilities Planning Officer. I have not had the same opportunity of discussion with Mr. Kohl mainly because I have not been in Toronto—I do not go there until March 3,—so all I know about his proposal is what I have read in the press, principally his evidence to this committee.

However, I would like to say that I was most impressed with the C.P.S. model. I think that it is basically an excellent design. It is a design which I myself propose to recommend when I get home. There will no doubt be a good deal of discussion about it, and the one thing perhaps I see holding it up is the question of cost, because it is certainly expensive by English standards. The basic design is a most efficient and effective one.

Mr. TOLMIE: The gist of the criticism was, as I understand it, that it seemed to emphasize the punitive and security approach, as opposed to the approach of rehabilitation, in its concept. Would you comment on that?

Mr. BRISTER: Yes, indeed. As I understand it, the Canadian Penitentiary Service has four classifications. There is the minimum security; medium security; maximum security; and, finally, the super maximum or special correction unit. Therefore, the people who remain in maximum conditions are those who are an escape risk.

I would not agree that it emphasizes the punitive approach. I would agree and approve of the fact that it emphasizes the custodial approach, because you have three points when you are dealing with maximum security inmates. Firstly, put very bluntly you cannot rehabilitate a man who is not there; and if he escapes then you are not going to get any rehabilitation across to him. Secondly, you have to consider the damage that such a person is likely to do when he gets at liberty. Thirdly, and equally important, you have to consider the control of the inmate population within the walls, and protect them from each other. This is perhaps the most difficult task any prison official has.

Speaking now from my English experience, there are comparatively few attacks on staff, but attacks by prisoners on prisoners are constant. In a maximum security prison, fear of other prisoners is a very real thing, and the advantage of this design is that it affords you good control, good observation and the opportunity to control individual bits of the prison so you can classify, you can segregate, and you can then allow those people who wish to profit from your rehabilitation projects to take part in them without being interfered with by others. Would that cover your question, sir?

Mr. TOLMIE: Yes, it would.

We are perhaps all aware you have had your own problems in the United Kingdom as far as security is concerned. As I understand your statement, you have been sent over here to study our custodial procedures. You will go back and, in your opinion, you will recommend that the United Kingdom adopt our type of maximum security prison?

Mr. BRISTER: Not in toto. The United Kingdom service does not have, and the Mountbatten Report has not recommended it should adopt the use of fire arms. But, apart from that, you may have noted, if you have seen the Mountbatten Report, that without, as far as I know, being aware of the Canadian system, he has recommended what is, in effect, the Canadian system. That is to say, four classes of security: a special correction unit; a maximum; a medium; and a minimum. What the designs of these are to be will, of course, be a matter of debate at the Home Office. But, this is one of the things I have been sent out to gather in.

Mr. TOLMIE: I have just one more question. Having regard to the alarming lack of psychiatrists and psychologists available for the prisoners what, if any, steps has your government taken to induce this type of people to enter the prison service?

Mr. BRISTER: At the present time, sir, the prison service in England relies to a great extent on treatment by consultant psychiatrists under the National Health scheme. We have also full time psychiatrists who are held at certain centres, and because of the small size of the country, and because we have not got this differentiation as between provincial and federal systems, we can deal with everybody on a day to day basis. It is possible to travel freely across the country. Therefore, we have found it worthwhile having certain psychiatric units at certain strategic points, to which we can send a man in need, rather than having full time psychiatrists, whom we would not get anyway because there is a shortage of such men. Even if you paid them vast sums of money you would not get them coming forward, just as you cannot get dentists. Therefore, we rely on the day to day use of the psychiatrists who are attached to the hospitals for

treatment. We transfer a man to one of the several places which do have psychiatric units.

Mr. TOLMIE: Because of your type of centralized system, and because of your geography, your problem is not as marked as ours. You have talked to our officials, I presume, and discovered that we do have this problem?

Mr. BRISTER: Yes, indeed.

Mr. TOLMIE: Would you have any suggestions as to how our situation can be remedied?

Mr. BRISTER: Frankly, sir, no. If you are not getting the people who are graduating in this particular field then no amount of money will make any difference. You have two questions here, I think. Firstly, like our dentist problem, you have not enough people coming into this field of work. If you have a man who says: "I don't care what you pay me; I am not going to spend eight hours a day peering into people's jaws", then nothing you do is going to change his mind. I think that this work in prisons is a vocation, and people prefer not to do it but prefer to work in industry and in the selection of management personnel, and so on, which is a much less difficult type of work. I do not see, really, short of going to the lengths to which certain eastern powers have gone, namely, to say that everybody serves two years on the staff of a prison in lieu of military service, how you are going to get around it.

Mr. TOLMIE: That is all, thank you.

Mr. MATHESON: I wonder if I could ask this English expert whether he has been able to form any opinion as to the proportion of Canadians who are incarcerated in comparison with the present number of prisoners in the United Kingdom, or west Europe generally.

Mr. BRISTER: First let me hasten to say that I do not claim to be an expert. I am simply a prison administrator of some experience, and I would hesitate to classify myself as an expert.

Mr. MATHESON: Well, in our terms you are, sir, and I say this with all appreciation of the fact that you are here. I wonder if you could—

Mr. BRISTER: I would say, sir, that when one takes into consideration the fact that there is a distinction as between the federal and provincial levels, then the number of people in the federal and provincial systems combined, pro rata on a population basis, is not dissimilar from that in England and Wales, which is the area my service covers. We have a daily average population of between 33,000 and 35,000. My last letters from home told me that in a speech to the House of Commons the Home Secretary said he is making provision for an increase of 4,000 next year, which will bring us up to 39,000 out of a population of 44 million. This is not altogether out of keeping with what happens over here if one makes allowance for the fact that in certain provinces there is no probation system for adults. Quite a number of adults in certain provinces are sentenced to prison because there is no probation service, and these are people who would be on probation in England. One has to make allowance for that when one is making comparisons.

Mr. MATHESON: Perhaps it is premature at this stage to ask you whether you think that we could accomplish some gain in the overall corrective field by deliberately determining to set a much higher failure rate in the area of parole, and thereby endeavour to have a lower recidivist rate to our penitentiaries and prisons?

Mr. BRISTER: What you are saying, sir, if I am getting it correctly, is if you take more risks with the people you put on parole then you might get less of them coming back?

Mr. MATHESON: Precisely. I wonder if you have any judgment on that thesis?

Mr. BRISTER: Well, it is very hard for me to express an opinion, sir, because parole, although we are beginning to set it up—and that is why I am over here—is a concept which so far, except with juveniles, has not been used in the English service. On the adult side a man gets one-third remission for good behaviour, and that is it, except, of course, a person sentenced to life imprisonment. Now, on the Borstal side a man serves an indeterminate time of from six months to two years, and he is released under supervision for two years at any time between those dates at the discretion of the institutional authorities, and not that of an independent board. What we have found now is that about 45 per cent—I think that is a conservative estimate—of all persons so released stay out of trouble for five years from the date of that release. The remainder are coming back.

Co-CHAIRMAN (*Senator Benidickson*): Are you talking about Borstal—

Mr. BRISTER: I am talking about the Borstal system, sir, yes.

Mr. WINCH: May I ask a supplementary question on this particular issue?

Co-CHAIRMAN (*Senator Benidickson*): Yes.

Mr. WINCH: You mentioned that the release of juveniles is within the jurisdiction of the institutional authority?

Mr. BRISTER: That is so, sir.

Mr. WINCH: In Canada we have an independent board. Have you reached any conclusion as to which is the best—the institutional authority or the independent board—to consider this matter?

Mr. BRISTER: This is an area in which I think a great many words have been spilt. I attended the American Correctional Association session in Baltimore this year, at which they debated the parole board authority system right across the continent. I think it came out a draw because both sides were equally represented. This is what we are debating at home at the present time.

You will appreciate that I have been out of the country since July, so I am out of touch, but I believe the Secretary of State has finally decided on a prison department authority for adults as against an independent board. I do not know his reasons for deciding on this. As I say, I am out of touch. There are arguments both ways. It is quite clear—I know that I do it myself—that when you have a prison board making decisions a good look is taken at prison behaviour. You are concerned about the effect of release on your own institution, and the well-behaved man within a prison will get released, whereas a man who has caused trouble from the outset of his sentence will do a longer time irrespective of his behaviour at the time he is being considered, if you follow me. This is to avoid setting a premium on bad behaviour. We all do this. Perhaps we should not, but we do. Certainly in respect of a Borstal institution a great deal of a man's chance of being released depends upon his behaviour within the institution. An independent board is more likely not to weight prison behaviour quite so strongly. Does that answer your question, sir.

Mr. WINCH: May I ask a question Mr. Chairman?

Co-CHAIRMAN (*Senator Bendickson*): I asked for a show of hands, and Mr. Allmand is next.

Mr. ALLMAND: Mr. Brister, have you made any study of the most desirable population size for a prison in England; have you come to any conclusions about that?

Mr. BRISTER: I go along with the general decision which is that the optimum size should be between 350 to 450. Anything under that tends to be uneconomi-

cal, and one has to consider the taxpayer. A kitchen, for example, will cost the same whether you are catering for 200 or 400. You must have the same number of staff. You cannot say you will have fewer staff with fewer inmates, because certain members are going to be there, whatever the size. The warden, of course, costs a fair amount. We feel it should be a figure between 350 and 450, and most of our prisons are designed for that figure. The latest one to be opened is for 450. For juveniles we tend to keep it rather smaller; an average figure would be about 240 to 260; but there are some as large as 400.

Mr. ALLMAND: What about prisons for women?

Mr. BRISTER: We have two large ones, one at Holloway, which is a maximum security establishment for about 500; and Styal, up in the north, which is a medium security establishment, which, speaking from memory, would be for about 200. I cannot guarantee these figures, they are very general. Then there are various small wings attached to male prisons dotted around the country, and minimum security camps and borstals.

Mr. ALLMAND: How many prisoners are there in England?

Mr. BRISTER: Out of an average of 35,000 in the prison system 2,000 are women.

The Co-CHAIRMAN (*Senator Benidickson*): Is that your average prison population in great Britain?

Mr. BRISTER: In England and Wales, 35,000. I say England and Wales, because Scotland and Northern Ireland have their own prison systems.

Mr. ALLMAND: In your introduction you said you had associated a mixed men's and women's prison.

Mr. BRISTER: Yes.

Mr. ALLMAND: What kind of prison is that?

Mr. BRISTER: We call that the local prison, at Manchester. In fact, there was not, or should not be, contact between the male and female prisoners. You have two radial prisons on the Pennsylvania system, a wing of which is connected up with the central kitchen so that the kitchen was the only place where the two prisons were physically joined. The women were in the smaller complex and the male prisoners in the larger complex. But the male governor was in charge of both establishments. There was a deputy governor for the males and a deputy governor for the females, and if the deputy governor for the females was not available the male deputy governor would assume the responsibility for both establishments.

Mr. ALLMAND: Have you found that women's prisons are best when managed by a staff of women and women wardens, or do you use a male staff and male wardens for women prisoners just as much.

Mr. BRISTER: In fact, we have started using rather more male staff in female prisons, and rather more female staff in male prisons. At Holloway, for instance, a number of the officers are married to male officers working at Pentonville, and the policy has been to take some husbands in and put them in charge of a group discussion session of female prisoners. To be perfectly honest about it, I do not think that the women prisoners worry very much whether the governor, the person in charge, is male or female. It depends on what sort of a person it is, and they will respond to the person rather than to the sex.

Mr. ALLMAND: Do you have a special philosophy or philosophical policy for treating women prisoners as distinct from male prisoners with respect to the rehabilitation or custody?

Mr. BRISTER: The standing orders are identical. In fact, at Styal they are trying out a cottage scheme with 16 women living together in cottages in conditions of medium security and a group system. They do their own cooking,

and live in a group, with one or two officers. This has been tried out for about two or three years now; whereas in Holloway, where they are in conditions of maximum security, what would go on there I think would be, for the most part, little different from a corresponding male prison—except that women always seem to have their cells looking tidier and more homely than men do.

Mr. ALLMAND: In the medium security prison, with the cottage system, have you noticed any results yet?

Mr. BRISTER: I cannot say, sir, because I left that part of the world to take up my present appointment before it was opened, and so I am not in touch with it.

Mr. ALLMAND: Finally, do you have any provisions in the British system for prisoners to meet privately with their wives and husbands?

Mr. BRISTER: No. Well, when I say that, there is one exception to that. There is a system for a certain class of prisoners known as the home leave parole system, by which they can go home for five days. That is for certain classes of prisoners only, and applies to borstal boys as well. This is granted towards the sentence.

Mr. ALLMAND: Is that for once, or more than once?

Mr. BRISTER: Just for once. Also there is what is called the hostel scheme in which long-term prisoners, that is to say, those serving five years or more, may, if specially selected, spend the last twelve months of their sentence in what I think is called here a community release centre, but we call it a hostel, whereby the prisoner is allowed outside to take a civilian job during the day and will return in the evenings to the hostel, and they may spend their weekends at home.

Mr. ALLMAND: Thank you.

Co-Chairman Senator BENIDICKSON: I think Senator Fergusson is next on my list.

Senator FERGUSSON: Thank you, Mr. Chairman. Mr. Brister, would you tell us one of the crimes that most women are convicted for in England, or in England and Wales?

Mr. BRISTER: When I answer this, senator, perhaps you would be good enough to bear in mind that we are at provincial level for the most part.

Senator FERGUSSON: Provincial level?

Mr. BRISTER: We are a national service, but the type of women we get are those you would find for the most part in the provincial jails over here. Women who get long sentences are few and far between, so what we tend to get are a lot of short-sentence women for prostitution charges, shoplifting, child neglect and child cruelty. Those are the main things. The long sentence people are usually abortionists, people who have acted as decoys or robbery with violence men—either who decoyed somebody down a dark alley to be hit on the head, or who have acted as receivers, or someone who has driven the car; and of course you get a number of women who dispose of their husbands.

Senator FERGUSSON: In Holloway, which is a maximum security jail, are these people who have committed what you call crimes on a provincial level, sent there?

Mr. BRISTER: Yes, they are, senator, because of the small number of women. On the male side there would be different establishments. But what happens is that all the women in the south go to Holloway and all the women in the north go to Styal, and from there they are selected for other establishments, minimum security establishments, if they are suitable to go there. At Holloway it is possible to put them in separate wings so that the short-term people can be put

in one wing and the others in another wing; and the borstal girls waiting for shipment to the training borstals would be in another.

Senator FERGUSON: That would be a sort of classification centre for them?

Mr. BRISTER: Exactly.

Senator FERGUSON: What puzzled me is that they should be sent to a maximum security jail, if they had never committed the sort of crimes you mentioned?

Mr. BRISTER: They go to Holloway, and are selected and sent to Hill Hall, which is a minimum security establishment for women, or to Bulwood, which is a borstal.

Senator FERGUSON: I think you told us you had visited some of our provincial jails.

Mr. BRISTER: Indeed.

Senator FERGUSON: Perhaps I should tell you why I am asking these questions. I come from New Brunswick in the Maritimes and it has been said to me on a number of occasions that we have a number of Maritime young women who have committed what you refer to as "provincial offences," who should be serving their time in provincial jails but, because there are not suitable places to hold them, they are perhaps taken before a magistrate and they say they cannot handle them—but they should be able to handle them, there should be a place where they could serve their sentence. Many of these young people are sent to Kingston where they associate with hardened criminals and get a good education in being a criminal, even if they would not have become one. Is this a fair criticism, according to what you saw? I do not want to put you on the spot, but this has been said to me a number of times and I have been told I should do something about it, because I come from the Maritimes. I do not know if it is true.

Mr. BRISTER: I blush to admit, senator, that I did not look at the provincial jails in the Maritimes. I did not have time. I visited Dorchester. I visited the provincial jails run by the provincial Government, namely one open farm and a provincial institution for boys.

Senator FERGUSON: There is the Coverdale Home outside Moncton, and there is the Home of the Good Shepherd, and there is the Maritime Home for Girls in Truro. These are the ones to which my question would apply.

Mr. BRISTER: I am afraid I did not visit any of those. I am sorry.

Senator FERGUSON: I wonder if, in your travels you visited New Zealand.

Mr. BRISTER: No, I am covering Canada only. I did get across to the States for a meeting.

Senator FERGUSON: I thought the chairman said—

Co-CHAIRMAN (*Senator Benidickson*): I made a mistake in that respect. I thought you had a wider province.

Senator FERGUSON: I visited and saw some of them in New Zealand and I would have liked you to have made a comment on them, but as you have not been there I will not ask.

Mr. WINCH: I have a double-barrelled question. If our Canadian press reports are correct, it would indicate there is a growing problem in the United Kingdom on narcotics addiction. Even so, with the U.K. population almost three times our Canadian population, the last figure I have would show we have about 500 per cent more known addicts than you have in the U.K. That leads to my question.

In the United Kingdom, with narcotic addiction, do you treat addicts as sick people or as criminals? If so, how do you handle them?

And, on your visit to Canada, did you take note of the policy, only in effect now for less than a year in Canada, of putting addicts, male and female, into one institution at Matsqui?

We feel we treat them as criminals and not as sick people—to be put in an institution they must be convicted in a court. Can you tell us, first, how you look at and handle them in the United Kingdom; and have you reached any conclusion on this new system which I admit has been only in effect for one year in Canada, at Matsqui?

Mr. BRISTER: Perhaps, if I could lay the ground for this one, to begin with.

The law as regards unlawful possession of narcotic drugs is very much the same in both countries. In fact, we are beginning to pass special legislation which will make it even tighter in the United Kingdom. You will be acquainted with the Braine Committee recommendations and there is legislation before Parliament to implement those recommendations. The present right of any doctor to prescribe for addicts will be removed, and an addict seeking treatment will only be able to obtain drugs by attending as an in-patient or as an out-patient, at a government clinic. The doctor will still be able to prescribe heroin in cases of cancer. The right of the general practitioner to treat an addict is being, as I understand it, removed.

The present law was summarized by Mr. Walker from the Home Office, when he gave evidence before the Senate inquiry into the use of narcotic drugs in 1955, and it is this—that a general practitioner may prescribe narcotics to an addict as part of a genuine course of treatment designed to cure him of addiction; to prevent death or extreme physical suffering; or to enable the addict, during the period of treatment, to lead a normal life and support his family. I think what we have to distinguish, too, sir, if I may, is between what one may call the criminal addict, that is the man who resorts to criminality to support his habit—

Mr. WINCH: No, I do not mean it that way. I mean that an addict here is charged and goes to the court and is found guilty. In other words, he is found to be a criminal. I do not wish to interrupt you, but when you, say, go to a treatment centre, do you mean he can go on his own and will be treated?

Mr. BRISTER: No sir, the position will be, when the new legislation is passed, that if he is in possession of drugs other than those obtained from a treatment centre, he will be committing a criminal offence. If he goes and buys them from a pusher, and is found in possession of those drugs, he is a criminal—whereas if he goes to a treatment centre—

At the present time, if he buys from a pusher, he is a criminal but if he buys from a general practitioner, who has given him a prescription, he is not in unlawful possession.

The difference is not so much one of law in relation to the two countries as of prescriptions, that is to say, the English general practitioner is perhaps more prepared to prescribe drugs than his Canadian counterpart. This right is now being removed so that we are moving more to the Canadian position.

Mr. WINCH: But he will be able to go to a treatment centre, even under the new legislation?

Mr. BRISTER: Yes.

Mr. WINCH: Without being treated as a criminal, as long as he goes voluntarily?

Mr. BRISTER: As part of a genuine course of treatment.

What they are likely to do, if he is trying to get drugs to maintain his habit, is to say "You are too far gone, you must come in as an in-patient, where we can control it."

A person who is in possession of drugs is charged with unlawful possession and is convicted, and is in fact given far less treatment under our system than he is under the Canadian system, because we have no Matsqui and we have no special group such as the Oakalla Panabodes, which is a special group work done with women addicts.

As far as we are concerned, a person coming in for addiction is a criminal once he is within the prison.

Mr. WINCH: What was your impression of Matsqui?

Mr. BRISTER: I did go to Matsqui. I feel that if anything will have the effect of curing addicts, Matsqui will. I think it is pretty long odds, if anything will, but if anything will, then Matsqui will.

Mr. WINCH: There is another point. About three years ago you started the cottage system, for the women inmates, which I think is in line with general modern penology in a great many states and countries now. How do you compare your cottage system or trial system with the statement that you go along with the steel and concrete system of maximum security? How does that tie in with rehabilitation and modern penology?

Mr. BRISTER: There are two points there. First, I was talking about women in the English system for the most part. I say "for the most part" because there are some very difficult ones. The great majority there are not a security risk.

I do not know why it is. I can only say that, in the two years that I was associated with a female prison, we did not have one single attempt to escape on the female side. We had several on the male side. If you look at the reports of English escapes, which have been rather plentiful of late, I do not think you will find many women mentioned. They will go away from a minimum security establishment but they do not as a rule, attempt to escape from medium security or maximum security.

My previous remarks were relating to men, and again, with the greatest respect, sir, I come back to the fact that I do not think security and rehabilitation are necessarily opposed. Again I think that you cannot rehabilitate a man who is not there.

Mr. WINCH: Do you have the same system as we have in Canada, maximum and medium security, where you place men in dissociation or segregation cells where they are completely walled in. There are no windows, there is no looking out, even onto a corridor, and these people can be kept there for months upon months at a time, only getting out for 20 or 30 minutes a day into an exercise yard. Do you also have that?

Mr. BRISTER: We do have what we call strong cells for violent prisoners. There is one restriction on segregation which does not exist in Canada, although I noticed with some interest that it was a suggestion recommended in the Archambault Report in 1938. In each establishment we have what is called variously, depending on the type of establishment, a Visiting Committee or Board of Visitors, and these are generally Magistrates—Justices of the Peace who are the superior disciplinary body of the prison.

In order to keep a man segregated beyond a certain length of time, the governor must get the approval of the Board of Visitors.

Co-CHAIRMAN (*Senator Benidickson*): On that point, I was a little concerned, Mr. Winch, about people being kept "months upon months at a time."

Mr. WINCH: That is right. I am prepared to prove that. I know of some who have been in for two years. Not one, but as high as forty. I am prepared to prove that.

Co-CHAIRMAN (*Senator Benidickson*): Fine, that is what this committee wants to find out. I want to ask Mr. Brister whether in his travels he found that

we had appeal committees similar to those he describes in the United Kingdom, such as the Board of Magistrates or whatever he described it as. I wonder whether he has found in his visits up to date that there are prisoners being kept months upon months in—what would be a fair description, Mr. Winch? Isolation?

MR. WINCH: It is called dissociation; it is completely enclosed. The prisoner does not even see onto the corridor through his door. It is a steel door and the prisoner cannot see out anywhere. Do you have that, Mr. Brister?

MR. BRISTER: Yes, the strong cells. This is a fair description. There is overhead lighting and overhead observation, but there are three doors, because these men tend to be rather noisy as well as violent. But they are kept there for limited periods only. This is for people who are extremely refractory and likely to do damage.

We certainly keep men who are dangerous to others in what is called segregation in Canada for very long periods. Any governor worth his salary would not release some of the people that we have in to the general run of the population, if he valued the lives of his staffs or of his inmates.

When we have a man who is prepared to kill for tobacco, which, you know, we have met quite frequently, then certainly we do not want him running around loose. When I was serving at Parkhurst we had one man who undertook to kill the governor for 12 ounces of tobacco. Luckily he was found out in time. Incidentally, I was not the governor.

We must keep this sort of man apart from the general run of inmates.

MR. WINCH: I completely agree that there has to be protection of the guards. Everybody in this committee knows the speeches I have made in the House of Commons to that effect, and they have the evidence of the last committee to indicate my stand. There are some who have got to be kept locked up and segregated. But what I am asking is do you ever hope to get them out and change them if they are completely locked up, kept completely in a world of their own, so that they cannot see, cannot hear, cannot talk and cannot do anything?

MR. BRISTER: I doubt whether those conditions exist, sir. The only place I have come across them is in Italy, where it is part of the sentence of the court that when a man is sentenced to life imprisonment for murder the court may order him kept in solitary confinement for one, two or three years, and in that case nobody speaks to him at all except the chaplain. But I have not found this to be the case in Canada and I have not found it in England.

MR. WINCH: May I just ask one more question to amplify this a little? I get in the neighbourhood of two letters a week from inmates. For example, in the last two weeks three inmates, two in Kingston and one in Prince Albert, have been sentenced to one week in segregation, bread and water, and to an indefinite period in dissociation, which means that they are there and they stay there, except that at least once a month there is a board of review. Now they are there indefinitely. They can be there for weeks, months or even years. But once a month, under the regulations of our penitentiary system, there must be a review as to whether they have changed their attitude and shall be let out.

Do you handle it so that a prisoner can be sent to dissociation in a United Kingdom prison or for an indefinite period, and do I understand—and I want to get this clear—that in the United Kingdom system there is a review of those in dissociation by a group of magistrates?

MR. BRISTER: That is so, sir, yes.

MR. WINCH: Are they sentenced to an indefinite period?

MR. BRISTER: Well, in effect, they can be, because although some men are reviewed by the magistrates every month, the magistrates will simply confirm

their previous orders in a great many cases in view of the prisoners' past tendency to violence.

Mr. WINCH: I have one more question.

Mr. BRISTER: May I just say, incidentally, since this matter has come up, that I have visited a number of dissociated inmates in various areas, and in no case have I found what you would call a dark cell. There are either bars in the door or some means of communication.

Mr. WINCH: No solid doors?

Mr. BRISTER: No solid doors at all.

Mr. WINCH: You do not have solid doors?

Mr. BRISTER: We have at home, certainly, but I have not observed any completely black cells here. In our places for the most part we have a small window in a solid door. We have what we call strong cells which have overhead lighting and three solid doors, but these are not used for any considerable period of time. But in the dissociation cells that I have visited around here I have not found that there is no window and no means of lighting from the outside through the door.

Mr. WINCH: You say you have not found that to be the case.

Mr. BRISTER: No, I have not.

Mr. WINCH: Good heavens, sir, where have you been in our Canadian prisons?

Mr. BRISTER: I would flatter myself that I have been to—

Mr. WINCH: You say that you have not found what I have described to you?

Mr. BRISTER: I have not found a completely black, windowless cell.

Mr. WINCH: Then, sir, I would like to go back with you and visit our Canadian penitentiaries.

Co-CHAIRMAN (*Senator Benidickson*): Well, Mr. Winch.

Mr. WINCH: I am not saying this in an insulting manner.

Co-CHAIRMAN (*Senator Benidickson*): In fairness to the witness, we have an expert witness who says he has visited most of our federal penitentiaries, except two, I think he said, and a great number of our provincial institutions. Perhaps you should be a witness, Mr. Winch, and tell us what you have seen.

Mr. WINCH: Sir, all I have to do is say that you were with us when we visited in Montreal last time, and you saw them yourself.

Co-CHAIRMAN (*Senator Benidickson*): I recall seeing only what was proposed, if that is what you have in mind. I did not see what was existing.

Mr. WINCH: Perhaps I should not have put it that way. I apologize. In the last two weeks I have had the information of these three inmates, and all three raised a question I had not heard before. They said that because they were charged with an infraction and had now been sentenced to dissociation they felt they were entitled to receive legal counsel. I am not saying they are at all. However, they felt that they should have the right to legal counsel because of having to face dissociation.

Do you have any system whereby a man who is an inmate, a criminal who has been found guilty, and who is charged with some infraction—against discipline or because of endangering the security or having an armed weapon or making an attack—that he is allowed legal counsel.

Mr. BRISTER: No.

Mr. WINCH: It is something brand new to me, even the suggestion that they should be entitled to legal counsel.

Mr. BRISTER: No. No prisoner charged with a prison offence is entitled to counsel or allowed it. Nor, indeed, is he allowed access to the courts on any prison matter other than that relating to his own sentence. For instance, if he wishes to bring an action against the warden or applies for *habeas corpus*, the courts will not even entertain his application. Once he becomes a convicted man, except through the regular channels of appeal, the courts will not entertain any application. He cannot bring a civil action or anything of that sort unless he obtains permission from the Secretary of State.

Mr. WINCH: Thank you.

Mr. BRISTER: But you will be well aware, sir, that what prisoners say in their letters has to be treated with grave caution. They tend either consciously or unconsciously to exaggerate greatly the difficulties of their condition.

Mr. WINCH: Could I ask the witness if he went through the B.C. penitentiary?

Mr. BRISTER: Yes, I spent five days there.

Mr. WINCH: Did you go up to see the dissociation area?

Mr. BRISTER: Yes, I did; I went up to the penthouse.

Mr. ALLMAND: Could I ask a supplementary question. Did you visit St. Vincent de Paul?

Mr. BRISTER: Yes.

Mr. ALLMAND: Did you visit the dissociation wing in that penitentiary?

Mr. BRISTER: Yes.

Mr. ALLMAND: And there they have solid doors with only a very little window?

Mr. BRISTER: Yes.

Mr. ALLMAND: You would call that a completely blanked in cell, would you?

Mr. BRISTER: No, it admits light.

Co-CHAIRMAN (Mr. Watson): Mr. Chairman, there seems to be a slight confusion here because of the terminology we have been using. We are in the process of straightening out this conflict between Mr. Winch and our guest witness.

Mr. WINCH: I would never get into conflict with a witness.

Co-CHAIRMAN (Mr. Watson): Mr. Allmand asked whether the witness would describe the doors in the St. Vincent de Paul with the small opening—the doors to the dissociation cells—as being solid black doors, and the witness replied no. Is this the difference?

Mr. WINCH: Actually, I think the witness answered my question. He said he had been to the penthouse. I have been there three times a year for the past 34 years, and I know it very well, I know there they have solid steel doors, with just a little window which is covered, and that may be only opened from the outside so that the guard can look in. I remember when we visited one institution in Montreal which has exactly the same arrangement, and I asked why that was so, I was told "We just open this to see if they have hung themselves yet." Again they have that little round circle in the door and unless the flap is lifted the situation is that he has three solid walls and a solid door and the concrete dome above. I think that is a world of his own. That is what you must have seen if you visited the penthouse.

Mr. BRISTER: I did, but the flap was up.

Mr. WINCH: Well, I have visited there many, many times, and I have never seen the flap up except when the guard looks in.

Mr. McQUAID: Did I misunderstand Mr. Winch when he said that somebody had spent as long as four years—

Mr. WINCH: Three years.

Mr. McQUAID: —in this confined area where he could not see out and nobody could see in?

Mr. WINCH: Yes.

Mr. McQUAID: In one of our Canadian prisons?

Mr. WINCH: Yes.

Co-CHAIRMAN (*Senator Benidickson*): That is a point, Mr. McQuaid, that was raised when we made one or two of our visits. We raised these questions. Of course we did not intend to confine our visits to two or three. We expect to make quite a number of visits, and we hope to get evidence on this point.

Mr. McQUAID: We have no evidence to this effect now.

Co-CHAIRMAN (*Senator Benidickson*): When we made our visits to three or four institutions we asked questions on this subject. At least I did. And I got certain answers. Now we have the introduction of a suggestion that is not in accordance with what we obtained in our personal viewing, and I hope that this committee will soon recommend visits to institutions since we will have more knowledge than we had when we made our first visits. This would be a very pertinent investigation.

Senator FOURNIER (*Madawaska-Restigouche*): I would like to have a better understanding of this, and arising out of that I would like to ask a question along another line. Our witness here has travelled all over Canada and he is an experienced man—an expert. I wonder if he could tell us if there is much difference between our system and their system over there.

Mr. BRISTER: The first difference is that in England, because of the size of the place, we have just one system for England and Wales, under which we deal with everybody from the people who are unconvicted, who are *en prevention*, I think it is called here, to those who are serving life imprisonment. There is no provincial or county jail service. There is in fact only one prison service dealing with every type of prisoner.

Secondly, because of the size of the country, it is possible to transfer far more freely between institutions than is the case in Canada, because you do not make it impossible for a person to visit or for a prisoner to receive visitors if you transfer him from, say, London to Manchester, whereas if you transfer a prisoner, except for exceptional reasons, from British Columbia to Dorchester, you do make it pretty well impossible for him to receive any visitors. Therefore it is possible in England to have a greater number of specialized institutions. Instead of having to, to some extent, reproduce the same system in each province, as you do here, and have a sort of average cross-section, we are able to specialize and have one of each type to which we are able to send people who require that type of institution.

I think those were the two things that struck me most when I came here—the problem of distance, and the problem of federal-provincial differentiation. It means in effect that you have two systems both seeking to recruit the same type of staff. We are in a certain measure of competition with the police for recruitment, but here in each province you have federal and provincial organizations seeking to recruit the same type of man with, perhaps, the police as a third rival.

Then, on the physical side, the majority of our prisons are built on the Pennsylvania system, and the majority here are built on the Auburn system. Beyond that there is no great difference. I think we have perhaps rather more nineteenth century prisons still in use than is the case over there. We are

building, but we have not built to the same extent, and we have not got the same extensive plans as yet as the C.P.S. We don't, I think, specialize our staff quite so much. We do not make a distinction as between custodial and treatment staff. These are really the main differences that struck me as I went along.

Senator FOURNIER (*Madawaska-Restigouche*): If I understood it correctly, I think one of the first things you said was that you saw the drawings prepared for the institutions which we propose to build.

Mr. BRISTER: Yes.

Senator FOURNIER (*Madawaska-Restigouche*): Do you think that they are a move in the right direction?

Mr. BRISTER: I think for a maximum security population, it is a good design, and it is the design I would be prepared to recommend to my own service.

Co-CHAIRMAN (*Senator Benidickson*): This is the C.P.S. design?

Mr. BRISTER: The C.P.S. design, yes.

Co-CHAIRMAN (*Senator Benidickson*): Does that include a feeling on your part that a maximum security institution should perhaps cater to 400 or 450 as well as or better than to 250?

Mr. BRISTER: My own feeling is that the smaller the number of people you are dealing with, the better. The ultimate in this is one inmate, one member of staff. But you have to consider the taxpayer and you have to consider the amount of money that you can spend; and when you consider the amount of money you do spend for the institution, there is no doubt about it, the bigger the institution the more economic it becomes.

On this basis, of course, you have the gigantic things built down in the States. Indeed, we have some places of our own at the moment, but everyone will say they are far too big. We have places with 1,500 in them which we are going to get rid of.

I think a suitable compromise, from the economic point of view—and you will remember it was agreed that every prison system is a compromise—is that with 400 to 450 you are getting, on the one side, a reasonably individualistic treatment program, and, on the other, you have a sufficiently economic deal, because when you consider what you have to pay, to build the place, even if you build a small place it is not going to cost proportionately less money to build it and it is not going to cost proportionately less money to staff it, but it is going to cost you a bit less.

Co-CHAIRMAN (*Senator Benidickson*): Roughly speaking, you gave a ratio that interests me, because I think when the committee commenced we were given some basic information, as I recall it, that indicated that broadly we do staff in the relationship of one employee to one inmate. As a result of your studies, do you find that broadly correct?

Mr. BRISTER: You have a far higher ratio of staff in actual contact at what you might call "the sharp end"—that is to say, in contact with the inmate—than we have. If you throw in the support staff, who seldom come into contact with the prisoner, then you are at one-to-one in the C.P.S. But if you take away the people who are not in daily or regular contact but whom you have to have—your people on the clerical staff, for instance—then you are not at one-to-one.

When we talk about custodial staff—and they are the people in contact in our set up—then we work on a ratio of one-to-ten. In fact, we do not have one-to-ten actually in the field, because this makes allowances for leave, shift-work and so on; but this is how we try to man our prisons. For instance, Manchester, with 1,200, is manned by a basic custodial staff of 230.

CO-CHAIRMAN (*Mr. Watson*): I have several questions. Have you, sir, studied the design proposed by Mr. Kohl, an architect?

MR. BRISTER: No, sir, I only know what I have read in the press.

CO-CHAIRMAN (*Mr. Watson*): When he appeared before the committee he criticized, among other things, the fact that the kitchen facilities were outside the prison and the food was going to have to be brought in from outside the walls. This is in the C.P.S. design.

MR. BRISTER: Yes.

CO-CHAIRMAN (*Mr. Watson*): What is your feeling on that particular aspect of the C.P.S. design?

MR. BRISTER: Frankly, I do not think it matters very much. In England, where we are very welfare-state minded at the moment, we have central kitchens for schools, and we send meals to schools from a central kitchen in hot containers for as much as five miles by car, and nobody thinks there is anything wrong with this and nobody complains about it. Parents of English school children are not short of complaints if they can find a reason for complaining. I think that with modern containers, and so on, you can get quite a satisfactory meal delivered in this way.

CO-CHAIRMAN (*Mr. Watson*): I believe Mr. Kohl underlined a security danger here, in that he felt these food carts might be a method of smuggling items into the prison. Do you see a danger here?

MR. BRISTER: There is always a danger whenever anything goes into a prison—or, indeed, whenever anything goes out; but you have an even greater security danger if your kitchen is inside the prison because, firstly, you have a constant flow of supplies coming in and you can plant stuff in supplies far more easily, I would think, than in the actual food. Secondly, the kitchen itself—because of the utensils, the knives and so on—is a constant security risk. It is where the majority of knives in our prisons come from—if they are not made in the workshops.

So, if I were a governor of an establishment, given the two, I would prefer to have my kitchen outside, where it could be manned with selected inmates who are not under pressure or control within the group, and rely on searching the food as it came in.

CO-CHAIRMAN (*Mr. Watson*): A second aspect Mr. Kohl criticized was the area assigned to the classification section and the area assigned to the medical and psychiatric section being so far apart. Apparently, in the C.P.S. design you have off in one corner of the prison the medical and the psychiatric section and near the entrance to the prison you have the classification section and also the psychologist section. He felt that having those sections apart from each other was disadvantageous. Do you have any comments to make on this?

MR. BRISTER: I really would not feel competent to speak on this because we do not have classification offices in our set-up. The nearest approach we have is Assistant Governors who partly do the work of classification officers and are also partly administrative as well. Their offices tend to be in the administration building or actually on the wings, as we call them, in amongst the prisoners; whereas the psychiatrists' and the psychologists' offices are always in the prison hospital.

There is a difference in administration here, in that in the English prison set-up the psychologist is a subordinate of the medical officer, and he works with the medical officer and not with the Assistant Governor classification officer.

CO-CHAIRMAN (*Mr. Watson*): Therefore, it would appear to make sense to you to have the psychologist section beside the medical section?

MR. BRISTER: This is what we would have in the English service.

Co-CHAIRMAN (*Mr. Watson*): You mentioned you do not have the same sort of classification system in England. Have you had a chance to look at ours, and would you care to make any comments on your impressions of our classification system in the medium and maximum security prisons?

Mr. BRISTER: When I talk about classification, I find it means two different things. In the English service classification means the fitting of prisoners into predetermined categories, where you have a set of criteria and your prisoners match them; whereas the Canadian Penitentiary Service tends to be rather more flexible about this; and you are prepared to put people in minimum security which at present, at any rate, we would not at home.

Co-CHAIRMAN (*Mr. Watson*): Now, I notice from these biographical notes that you have visited the Swiss and Italian prison systems on a Council of Europe travelling fellowship. Could you tell us whether in the prison systems you have in effect in England and Europe there is now a tendency towards setting up factories within the prisons so that prisoners can work while in prison, and can earn money while in prison, so that when they get out it is a bit easier for them to adjust to civilian life? Is there any tendency towards this today?

Mr. BRISTER: This is certainly so, sir. It is in existence in Switzerland. There is no such thing as the Swiss prison service. There it works entirely by cantons. There is no federal service. In the cantons that I visited—there may be some where it does not happen, so I would qualify this—the men are paid an industrial wage in keeping with what is paid outside. From this is deducted their keep and a certain amount for national insurance; and a certain amount for the support of their families. They get pocket money, and the rest is compulsorily saved against the time they are released. It does not work in quite the same way in Italy, but there they do get a fairly good wage for the work they do.

In England we have not reached that stage yet. In fact, we pay our men less than the Canadian penitentiary service does. For instance, the average earning in my own establishment would be about seven shillings a week which I think is, roughly speaking, a dollar. There are three dollars to the pound, so it is just under a dollar a week. This is pocket money for tobacco.

It has been argued strongly that what should happen is that the man receive a proper wage which is split up in the way the Swiss do it. There are certain difficulties with the unions in respect of the work involved, and also, I think, in so far as bookkeeping is concerned as between the Treasury and the Ministry of Social Security. I think this will come. Certainly we are working towards a more realistic industrial setup.

Co-CHAIRMAN (*Mr. Watson*): Would you feel that this is the modern trend in the whole variety of prisons?

Mr. BRISTER: The trend is certainly that way, sir, yes.

Co-CHAIRMAN (*Mr. Watson*): Faced as we are here in Canada with an immediate need for increased maximum security facilities, but also faced with a long term need for a number of new institutions, would it be your feeling that our penitentiary service should give serious consideration to the inclusion in the design of future maximum security prisons of facilities such as, for example, factory facilities, or facilities whereby prisoners can earn an industrial wage, as you term it?

Mr. BRISTER: I think, with great respect, sir, the place to start that is either in your industrial minimums, if you have such things, and your mediums. If you begin with a heavy industrialization program in your maximums you run the grave risk of sabotage of pretty expensive machinery. You see, under the plan, as I understand it, your maximum security prisoner is going to be a fairly unco-operative type of man. Therefore, I would prefer to see this started at the most co-operative end. The people in the minimums and the mediums are by defini-

tion your best bets in respect to rehabilitation. When they have this you can then perhaps start introducing it gradually into the maximums. But, I would go with great caution on it in the maximum security setup.

Co-CHAIRMAN (*Mr. Watson*): Earlier in your testimony you mentioned psychiatrists. Could you give us any idea of how many you have per thousand of inmate population in England? What is the ratio there?

Mr. BRISTER: My goodness, I am afraid you have caught me. I am clean bowled. The psychiatrists per prison population?

Co-CHAIRMAN (*Mr. Watson*): Yes,

Mr. BRISTER: No, I would be hazarding a guess.

Co-CHAIRMAN (*Senator Benidickson*): And then it is difficult to differentiate between full-time and part-time consultants?

Mr. BRISTER: Yes.

Co-CHAIRMAN (*Mr. Watson*): But most of your psychiatrists are part-time psychiatrists?

Mr. BRISTER: Part time so far as the prisons are concerned, but they are full time at the hospitals. It depends also upon your definition of a psychiatrist, because quite a number of our prison medical officers who are the prison surgeons, and who deal mostly with physical ailments, have a diploma in psychological medicine.

Co-CHAIRMAN (*Mr. Watson*): I see. Could you tell us what sort of training you give your staff in prisons in England?

Mr. BRISTER: Yes. This is the basic recruit training? Are you speaking of the man who comes in—

Co-CHAIRMAN (*Mr. Watson*): Yes, and also you might give us an idea of the basis of selection.

Mr. BRISTER: Certainly. A man who wants to become a prison officer, which is the equivalent of the Correctional Officer, Grade 1, applies to the Home Office, and he gets a form to fill in. He goes through a vetting procedure, and the criminal records are searched to make sure that on paper he is suitable.

If he passes that he is invited to attend for interview at the establishment nearest his home. He is interviewed by a board consisting of the Governor or the Deputy Governor, the chief officer, who corresponds to the Assistant Deputy Warden (custody), and a principal officer—that is to say, a correctional officer 5 or 6—who is responsible for staff training. If these people after interviewing him feel he has got the makings of a prison officer he is medically examined, and if he passes that he then spends four weeks in a supernumerary capacity. He is called a Prison Officer under Training in the prison. He is attached to various experienced members of the staff, and he is the particular responsibility of the Staff Training Officer.

At the end of four weeks he is again boarded, and if he is suitable he is recommended for training at the Central Training School at Wakefield in the north of England. He goes to Wakefield for eight weeks on a selection and training basis. At the end of those eight weeks, if he is successful, he is posted to any of the establishments in the country on a year's probation.

At the end of that year's probation he becomes an established civil servant. He is then recalled to the training school for what we call a refresher course where he goes through a good deal of his basic training once again, but in the light of his experience. He is then called back to the school at the five-year service mark to take what we call a development course, and then, again assuming he has not got promotion in the meantime, on a ten-year development course. That is the formal training for the basic grade officer.

There are promotion courses—that is to say, not courses leading to promotion, but courses designed to fit in with the position he is about to get. The promotion courses are removed from the actual promotion so that the man is not in any sense under a strain. He is not biting his nails and saying to himself: "If I don't do well on this course I will not get the rank". He will get the rank, but we show him how to deal with it. That is for the custodial officer.

Then, we recruit also assistant governors, class 2, which is a basic grade of governor. They go through a six months' training course at the Wakefield Staff College. We have also development courses for assistant governors class 2 who are about to be promoted to assistant governor class 1, and for assistant governors class 1 who are about to be promoted to the rank of governor. In addition, we have an accelerated promotion course for officers who appear to be assistant governor material.

CO-CHAIRMAN (*Mr. Watson*): In your custodial staff training that extends over several weeks, and which occurs at several points in each man's career, is the rehabilitative aspect stressed? Are these men trained to become a part of each individual prisoner's rehabilitation program? Is this an aspect which you stress, or are you simply stressing the custodial aspect.

MR. BRISTER: We certainly stress the custodial aspect, but we also stress very strongly the remedial aspect. It may be that, because we have stressed it so much, there is a possibility—and I say no more about it than that—that the reason why the security in English prisons is not 100 per cent is because we have been using our staff very much on the remedial side so that if you have an officer who is talking to one man he tends to not watch for the 20 who are around the place, if you understand my meaning.

CO-CHAIRMAN (*Mr. Watson*): Have you had a chance of making any comparisons between our staffing methods and your methods?

MR. BRISTER: I am at the staff college in Kingston at the moment, and I am going to spend the next few days watching procedures. My preliminary impression is that apart from this division that is made between the custodial and the inmate training staff, which we do not have and with the exception of the use of firearms, the training is very much the same, except that the directives for the services are different.

CO-CHAIRMAN (*Mr. Watson*): You made a distinction between the custodial and the remedial that you found here. What strikes you about this?

MR. BRISTER: Well, if you have two lines of service, if you have on the one hand, inmate training officers, as they are called, and on the other side correction officers, you will get specialization. This makes sense. Otherwise you have both doing the same job. Normally, you are not going to train your inmate training officers so thoroughly in custodial work and your custodial officers in inmate training work.

CO-CHAIRMAN (*Mr. Watson*): What do you think of this distinction? Do you think it is something that is good, or something you would recommend to your authorities at home?

MR. BRISTER: I can only say, and I do not want to dodge the question, that it is something which the people at home are interested in and it is rather *sub judice* at the moment.

CO-CHAIRMAN (*Mr. Watson*): For the benefit of the entire committee, since you are governor, or a former governor, of a prison in the borstal system, could you tell us how the probation system under the borstal system works in England, and perhaps give your comments as to its applicability or possible applicability in Canada?

Senator FERGUSON: Mr. Chairman, may I ask one more question, which deals with the area we were discussing? Mr. Brister, you have qualified social workers attached to the prisons who work with the prisoners perhaps before the prisoners are released, and who perhaps work with their families and prepare the homes for the prisoners to go to?

Mr. BRISTER: Yes, senator, we do in two ways. We have, first of all, psychiatric social workers who work with the psychologist under the direction of the medical officer. Secondly, we have what we call prison welfare officers. Now, they are for the most part people who come to us on attachments from the local probation service, and they spend a period—I think the period of attachment has not yet been decided, but it is at the discretion of the senior probation officer. However, we would like to have them for a period of five years, long enough to be effective and to get to know things, but not so long that they get out of touch with the normal run of probation work in the community outside. This is how we work with our chaplains. They spend five or seven years before going back to a parish.

Co-CHAIRMAN (*Mr. Watson*): Would you then please tell us a little about the borstal system?

Mr. BRISTER: Well, very briefly, because it is something I can talk about for two hours, or so. The borstal system as it stands at present is for people between the ages of 15 and 21. It is a sentence of borstal training making no mention of time, and it is statutorily limited to a minimum of six months and a maximum of two years, followed by two years compulsory supervision from the date of release. When he has been sentenced to borstal training (and I should say here it is a sentence that can only be passed by quarter sessions or assizes, that is to say, what we call a higher court—magistrates cannot impose this sentence, although they can convict and put a man to the higher court with a recommendation for Borstal), the man is sent, after conviction, to an allocation centre, of which there are two, one in the north and one in the south, and remains there for roughly a month to six weeks, where he undergoes a number of tests, both psychological and educational. He is interviewed by a psychologist, and a psychiatrist if necessary, by an educational officer, by a vocational guidance officer, by social workers. Inquiries are made into the home background. Then in the light of his dossier, at the end of that time an allocation board allocates him to one of some 30 borstal institutions over England and Wales.

Senator FERGUSON: What about the women?

Mr. BRISTER: They are fewer. We tend to talk about men, because there are so few women under the system. A woman would go to Holloway, and then from there she would be sent either to closed conditions at Bulwood, or to open conditions at one of three training borstals around the country. On the other hand, in dealing with the man, the first decision is whether to send him to security conditions or open conditions. He is then graded on the basis of his age, his intelligence, his past criminal record, and his vocational training, and other needs; that is to say, for instance, that the man of 21 with a record of violence behind him, unless he was of extremely low intelligence, but of average intelligence and above would be sent to closed conditions at Portland borstal. On the other hand, a 16 year old of very low intelligence with no violence and a light record would go to the open borstal at Lowdham Grange, which specializes in people with weak intelligence.

A highly intelligent young man, not a sophisticated criminal or violent, would go to Gaynes Hall borstal, which goes in for television apprenticeships, and that sort of thing, requiring a high level of intelligence.

My own people are 17½ years of age, and they specialize in the building trades. They are under minimum security conditions, which means they are not serious sex offenders or violence cases.

That gives you some idea. Some borstal work on a system of group therapy, others on vocational training. Whatever it is, each man on arrival is allotted to a house or dormitory where he is in charge of a training team consisting of a housemaster, principal custodial officer, and two custodial officers who are permanently attached to this unit. So that you have a continuity of staff. These four people are the four with whom he will deal, in addition to his party instructor. The housemaster, the assistant governor, is responsible for arranging a training program to take into account the recommendations of the allocation centre and arranging for training on the trade, on the education, and also on the social side. He has got to look at the weaknesses and see where the boy has failed before and, in effect, to make arrangements for him to succeed in his period of training.

When we feel that the lad has been subjected to all the influences the institution can bring to bear on him and that, so to speak, he has reached his peak, we then recommend discharge to the Secretary of State. I would be deceiving you if I were to say that the recommendation is not in fact the release, because I have never had it reversed.

While the man is within our custody, we have liaison with the probation officer for the area to which he is going to return, and he has had a period at home of five days, the home leave, of which I spoke earlier. So that generally we are able to send him out with work, a job, arranged, and with somebody whom he already knows to undertake his supervision. He is under supervision for two years from the date of his release, although this can be one year if the supervising officer is satisfied with him. If he misbehaves, that is to say, is persistently late for work, or fails to keep his job, or leaves home, or fails to keep the probation officer advised of his address, the probation officer may recommend that he be recalled to an institution for the remainder of his two years or six months, whichever is the longer. That, very briefly, is the system.

Co-CHAIRMAN (*Mr. Watson*): What is the age maximum for the entry into Borstal?

Mr. BRISTER: Twenty-one on date of conviction.

Co-CHAIRMAN (*Mr. Watson*): Are all sorts of first offenders referred to the system?

Mr. BRISTER: They are not first offenders except in very few cases. A typical record, for instance, of somebody who would be in minimum security would be two fines before juvenile court, a period of probation, perhaps a second period of probation, then a period in an approved school which I think corresponds to the training school here in British Columbia, Brannan Lake, and then on a fifth or sixth conviction, he would probably show up in Borstal.

Co-CHAIRMAN (*Mr. Watson*): This is pretty well the average?

Mr. BRISTER: Borstal training is intended to replace medium term imprisonment, that is to say, any sentence of imprisonment under three years for a person under 21. We are trying to keep the under 21's out of prison.

When you say "how would it fit into this system", again you are up against the provincial difficulty. The maximum sentence is two years and the minimum is six months. So you are up against provincial—two years is federal and six months is provincial. So who is going to undertake it?

Senator FOURNIER (*Madawaska-Restigouche*): Is your training program followed with the Department of Education or are you strictly independent?

Mr. BRISTER: We are independent. We are part of the Home Office, we are part of the prison service. Although education officers are seconded to us from

the Department of Education, their responsibility is not to the Department of Education but to the Home Office.

Mr. WINCH: You say that under the Borstal system when they reach a certain age at a certain spot they go home for five days and then go back. Do you also have there what you mentioned in the opening of your remarks, their being able to go to work and return to the institution in the evenings, and also to spend weekends at home? Does that apply to the Borstal as well as to the other?

Mr. BRISTER: This does not apply to Borstal, except in one special case, and even then they do not go home. This was a particular institution which, because of proximity to a coal mine, was able to send certain boys to work down the mines as apprentice trainees. But this was a particular case and it does not happen in the majority of cases.

Mr. WINCH: This is most interesting, because we have heard of something in the United States. How do you find this system as they are reaching the period of release, are they still under your authority, but they can work, they have to come back at night, but they can go home for weekends—how have you found this system to work?

Mr. BRISTER: We are talking now about long-term adults, working outside the prison?

Mr. WINCH: I am interested in this phase, as to how it is working and how it applies?

Mr. BRISTER: In the last twelve months, this is the business of working in a hostel outside the walls for twelve months, this does not apply in Borstal but only to convicted adult prisoners serving a sentence of five years or more.

Mr. WINCH: How is it working on adults? That is an experiment we have never tried. Therefore I am certain the committee would be most interested in hearing anything you have to say on it.

Mr. BRISTER: We started deliberately with the recidivists, the worst type of prisoner. We started with preventive detention prisoner, hardened criminals. when I was at Parkhurst prison, and the results then were disappointing. We found in fact—it may have been due to our selection—there were fewer people coming back from those who were not sent on the hostel scheme than from those who were. This seemed to be all wrong, but that is how it was working.

Mr. WINCH: Can you tell us why you chose the worst instead of the best to try the experiment with?

Mr. BRISTER: Because these were the most institutionalized. What we had in Parkhurst were men in their fifties and sixties who had spent the greater part of their adult life in prisons. They were not dangerous men, for the most part, but they were absolutely institutionalized up to the hilt. The people who started this experiment—that is to say, Mr. Fairn—the Director of Prisons at the time—felt that what we had to do was to get them away from the lost feeling that a person gets when he goes through the door, a feeling that prison is home and the sooner he can get home the better.

He felt these heavily institutionalized men were men most in need of this form of treatment.

Now we are trying it with long-term prisoners and I would like to hope that it is working in about 50 per cent of cases.

We have had some dreadful experiences with it. We had one man who committed a holdup and murder whilst he was on this. So for a long time we were being asked do we give them .38 revolvers when we put them on a scheme. I would say that we are running a 50 per cent success, but this is just a guess.

Co-CHAIRMAN (*Senator Benidickson*): How do you reconcile your utilization of these institutionalized persons for a little more liberality in this respect, with

your previous testimony that you felt that if there was to be a stepup in industrial plant work within an institution that the last person to receive it would be in the maximum institution and it should start in the minimum institution?

Mr. BRISTER: Perhaps I did not express myself very well, sir.

The preventive detention person is a particular type of prisoner. He is not, on the whole—there are some who are—he is not an aggressive hostile prisoner and in fact this type of man we are finding we are able to put in medium and minimum security establishments now. These correspond rather to Mountain Prison, the old Doukhobor place, where they are now sending the old lags, those chaps who would not run away if you paid them, would they?

Mr. WINCH: No.

Mr. BRISTER: But they are heavily institutionalized.

Mr. TOLMIE: On the question of erasing the record, this question has come up in Canada recently. This would apply to adults being convicted and who may spend ten or twelve years leading a good life with no other convictions. But when they apply for a position in the Civil Service or some other such employment, the record denies them the right to get this type of employment.

It also applies to juveniles, infants, chaps who incurred minor offences between age 18 and age 21 and who ten or fifteen years later file for a position and they are denied it because the record pursues them. What do you think of this?

Mr. WINCH: It also occurs to those who fail to be bonded, then they lose their jobs.

Mr. BRISTER: As a practical matter, it is a very difficult one to avoid. Irrespective of what the law states, the people who are looking for the bondable persons are going to get around this. For instance, if you say that this is not a conviction, then if someone asks on your questionnaire "have you ever been convicted" and the person answers truthfully "no," because this is not a conviction—the employers will find out about this after a time and you will find them asking: "Have you ever been arrested?"

From a practical point of view, the consequences of having been in an institution are as inevitable as the consequences of having broken a leg, you always have something left but it is never as good as it used to be. Legally, we do distinguish between findings of guilt and convictions.

Mr. TOLMIE: I am referring to a situation where a man has a conviction 15 years ago, more particularly the case of a young adult of 18 or 19. He then applies for army service, or for a federal service position, or applies for bonding, or he applies to go to the United States. His record is revealed. Therefore, he is denied the position for which he has applied. I realize there are certain difficulties, but do you agree that the object of this type of erasure is laudable and should be pursued?

Mr. BRISTER: On the whole, provided that there is a sufficiently long period between the commission of the offence and the erasure, yes. I think that if you make it too short a period you are making it difficult for criminal records to maintain an efficient system, which is one of the great means of arresting criminals.

Co-CHAIRMAN (*Senator Benidickson*): Mr. Co-Chairman and members of the committee, as you know, Mr. Brister has come up from Kingston and we have had a meeting for two hours. Owing to transportation requirements, he has to bow out very soon. Mr. Aiken was not here. Mr. Aiken may have a question and he has not had an opportunity to ask a question. With that in mind, would Mr. Aiken ask his question?

Mr. AIKEN: If this question has been covered, I apologize, but I was not able to get here at the beginning of the meeting. Part of the fears concerning the maximum security program in Canada centre not so much around the nature of the institution as around the number of institutions that are being planned. There is some feeling that we are over-planning maximum security in relation to the number of prisoners or prison population.

Have you any comments on that particular aspect?

Mr. BRISTER: I do not think that any comment of mine on that would be valid, sir. I am not sufficiently well aware of the population trend. After all, in five months one cannot set oneself up as an expert on the Canadian penal system.

I think that what we found at home is that in the long run we have—of course, we have not got at the moment anything like the number of institutions we ought to have for reasonable classification, but we find that about 50 per cent of our people stay in by our standards maximum security, by your standards maximum and medium security combined.

Mr. AIKEN: All right, thank you.

Co-CHAIRMAN (*Mr. Watson*): I have just one very short question. Does the English civil service hire ex-convicts?

Mr. BRISTER: No, it does not.

Mr. WINCH: In your experience, do you find that it is better, if possible, to have your prisons spread? What I have in mind is the psychological effect on an inmate of his parents and relatives and friends being able to come to visit him, instead of perhaps not being able to if they are all in Vancouver and he is in a penitentiary in Kingston. In other words, there are travel costs and so on. Is it your experience that it is better for the inmate if he is incarcerated, and has to be because he is anti-social, that it helps him psychologically if his relatives and friends are able to visit him?

Mr. BRISTER: There is no doubt about the importance of visits to inmate morale. Yes, I would agree with you there, sir. Certainly. It is really a question of trying to have your cake and eat it.

You know that if you are going to have a specialized institution and can only afford one, then the problem is do you send your people to it irrespective of their visiting needs or do you have a less specialized institution and just cover a bit of it and let them have visiting?

Mr. WINCH: My fear about Matsqui is that it is so far away.

Co-CHAIRMAN (*Senator Benidickson*): We are really grateful for the time you have made available, Mr. Brister. It has been very helpful to us. I do not want to inconvenience you by going beyond the time. Thank you.

The committee adjourned.

APPENDIX "3"

Born 10 February, 1925. Educated Douai School and Brasenose College, Oxford where I read in the Honours School of Jurisprudence. M. A. 1949. Joined H. M. Prison Service in September, 1949 as an Assistant Governor Class II and posted to H. M. Borstal, Lowdham Grange, Nottinghamshire, a minimum security establishment for lads of low mentality between 16 and 21 years of age. Transferred to the Imperial Training School for Prison Officers (now H. M. Prison Staff College), Wakefield, in 1952 as an Assistant Principal where I was responsible for the training and selection of newly-joined Prison Officers and Assistant Governors. In 1955 I was transferred to be Assistant Governor of H. M. Prison, Parkhurst, at that time a maximum security prison for preventive detention prisoners serving from five to fourteen years. In 1957 I was promoted to Assistant Governor Class I and appointed Deputy Governor of H. M. Prison Camp Hill, a maximum security prison for corrective training prisoners (i. e. recidivists mainly in their twenties, serving sentences of two, three, or four years). In 1960 I was promoted to Governor Class III and appointed Deputy Governor of H. M. Prison, Manchester, a local prison of 1200 men and 200 women, dealing with all classes of prisoners from trial and remand prisoners to life imprisonment cases. In 1962 I was transferred in the same rank to take charge of H. M. Borstal, Morton Hall, Swinderby, Lincoln, a minimum security establishment for borstal inmates serving an indeterminate sentence of six months to two years, where emphasis is placed upon instruction in the building trades. In 1964 I was awarded a Council of Europe Travelling Fellowship in order to visit the Swiss and Italian prison systems. In 1966 I was awarded a Nuffield Travelling Fellowship in order to study the Canadian penal system; on my return, I am being posted to H. M. Borstal, Dover, in charge as a Governor Class II. This is a medium security establishment with emphasis on vocational training.



First Session—Twenty-seventh Parliament

1966-67

PROCEEDINGS OF
THE SPECIAL JOINT COMMITTEE OF THE SENATE
AND HOUSE OF COMMONS ON
PENITENTIARIES

No. 8

FRIDAY, MARCH 3, 1967

JOINT CHAIRMEN

The Honourable Senator W. M. Benidickson, P.C.

and

Ian Watson, M.P.

WITNESSES:

R. J. McCaldon, M.D., D. Psych., Kingston, Ontario.

J. D. Clark, Acting Superintendent, Prison for Women,
Kingston, Ontario.

APPENDIX:

4.—Statement by Miss Margaret Benson, Kingston, Ontario.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

THE SPECIAL JOINT COMMITTEE OF THE SENATE AND
HOUSE OF COMMONS ON PENITENTIARIES

Joint Chairmen

The Honourable Senator W. M. Benidickson, P.C.

and

Ian Watson, M.P.

The Honourable Senators

Benidickson,
Cameron,
Deschatelets,
Fergusson,
Fournier (*Madawaska-
Restigouche*),

Inman,
Irvine,
O'Leary (*Carleton*),
Prowse,

Messrs.

Aiken,
Allmand,
Dionne,
Fulton,
Lachance,
Matheson,
McQuaid,
Prud'homme,

Ricard,
Rochon,
Stafford,
Tolmie,
Watson (*Châteauguay-
Huntingdon-Laprairie*),
Winch,
Woolliams.

(Quorum 10)

ORDER OF REFERENCE
(House of Commons)

Extract from the Votes and Proceedings of the House of Commons, Tuesday, March 15, 1966.

Mr. Pennell, seconded by Mr. McIlraith, moved,—That a joint committee of the Senate and House of Commons be appointed to consider the state of penitentiaries under the control of the Government of Canada and the plans of the Government in relation thereto with powers to report from time to time its observations and opinions thereon; send for persons, papers and records; adjourn from place to place; sit during sittings of the House; and print from day to day such papers and evidence as may be ordered by the committee, and that Standing Order 66 be suspended in relation thereto;

That 15 Members of the House of Commons, to be designated at a later date, act on behalf of the House as Members of the said committee; and

That a message be sent to the Senate requesting that House to unite with this House for the above purpose, and to select, if the Senate deem advisable, some of their Members to act on the proposed joint committee.

After debate thereon, the question being put on the said motion it was agreed to.

Extract from the Votes and Proceedings of the House of Commons, Tuesday, March 22, 1966.

On motion of Mr. Pilon, seconded by Mr. McNulty, it was ordered,—That a Message be sent to the Senate to acquaint Their Honours that this House will unite with them in the formation of a Joint Committee of both Houses to consider the state of Penitentiaries under the control of the Government of Canada and that the Members to serve on the said Committee, on the part of this House, will be as follows: Messrs. Aiken, Allmand, Dionne, Fulton, Lachance, Macdonald (*Rosedale*), Matheson, McQuaid, Prud'homme, Ricard, Stafford, Tolmie, Watson (*Châteauguay-Huntingdon-Laprairie*), Winch and Woolliams.

LÉON-J. RAYMOND,
Clerk of the House of Commons.

ORDER OF REFERENCE

(Senate)

Extract from the Minutes and Proceedings of the Senate, Wednesday, March 23, 1966.

Pursuant to the Order of the Day, the Senate proceeded to the consideration of the Message from the House of Commons requesting the appointment of a Special Joint Committee of the Senate and House of Commons on Penitentiaries.

The Honourable Senator Connolly, P.C., moved, seconded by the Honourable Senator Hugessen:

That the Senate do unite with the House of Commons in the appointment of a Joint Committee of both Houses of Parliament to consider the state of penitentiaries under the control of the Government of Canada and the plans of the Government in relation thereto, and to report from time to time its observations and opinions thereon;

That nine Members of the Senate, to be designated at a later date, act on behalf of the Senate as members of the said Joint Committee;

That the Joint Committee have power to send for persons, papers and records; to adjourn from place to place; to sit during sittings and adjournments of the Senate; to print from day to day such papers and evidence as may be ordered by the Joint Committee; and

That a Message be sent to the House of Commons to inform that House accordingly.

The question being put on the motion, it was—

Resolved in the affirmative.

Extract from the Minutes and Proceedings of the Senate, Tuesday, March 29, 1966.

With leave of the Senate,

The Honourable Senator Beaubien (*Provencher*) moved, seconded by the Honourable Senator Macdonald (*Cape Breton*):

That the following Senators be appointed to act on behalf of the Senate on the Joint Committee of the Senate and House of Commons to consider the state of penitentiaries under the control of the Government of Canada and the plans of the Government in relation thereto namely, the Honourable Senators Benidickson, Cameron, Fergusson, Fournier (*Madawaska-Restigouche*), Gouin, Inman, Irvine, O'Leary (*Carleton*), and Prowse; and

That a Message be sent to the House of Commons to inform that House accordingly.

The question being put on the motion, it was—

Resolved in the affirmative.

J. F. MacNEILL,
Clerk of the Senate.

MINUTES OF PROCEEDINGS

FRIDAY, March 3, 1967.

Pursuant to adjournment and notice, the Special Joint Committee of the Senate and House of Commons on Penitentiaries met this day at 9:30 p.m.

Present: For the Senate: The Honourable Senators Benidickson (*Joint Chairman*), Deschatelets, Fergusson, Inman and Irvine.—5.

For the House of Commons: Messrs.: Watson (*Châteauguay-Huntingdon-Laprairie*) (*Joint Chairman*), Aiken, Lachance, Matheson, Ricard and Winch—6.

In attendance: Professor Ronald R. Price, Special Assistant.

The following witness was heard:

R. J. McCaldon, M. D., D. Psych., Kingston, Ontario.

At 11:00 a.m. the Committee recessed to permit members of the Committee who are of the House of Commons to attend a vote in the House of Commons.

The Committee resumed at 11.45 a.m. and the following witness was heard:

J. D. Clark, Acting Superintendent, Prison for Women, Kingston, Ontario.

The following is printed as an appendix:

4. Statement by Miss Margaret Benson, Kingston, Ontario.

At 1.00 p.m. the Committee adjourned to the call of the Joint Chairmen.

Attest.

Patrick J. Savoie,
Clerk of the Committee.

THE SENATE

SPECIAL JOINT COMMITTEE OF THE SENATE AND HOUSE OF COMMONS ON PENITENTIARIES

EVIDENCE

OTTAWA, Friday, March 3, 1967

The Special Joint Committee of the Senate and House of Commons on Penitentiaries met this day at 9.30 a.m.

Senator W. M. Benidickson, P.C., and Ian Watson (*Châteauguay-Huntingdon-Laprairie*) M.P., Co-Chairmen.

CO-CHAIRMAN (*Mr. Watson*): Senators, members, I will now call the meeting to order. We are pleased to have with us this morning Dr. R. J. McCaldon, who is a psychiatrist attached to the Kingston complex of prisons. Dr. McCaldon, before you present your brief, I would ask you to tell the committee your qualifications and a little about your background.

R. J. McCaldon, M.D., D. Psychiatry, Kingston, Ontario: I am a physician, licensed to practice medicine in the Province of Ontario, and a specialist of the specialty of psychiatry. I have worked for the past year and a half, half time in the federal penitentiary and half time doing private work.

I have published medico-legal articles on "Automatism, and Aggression". The most recent article was entitled "Rape" which appeared in the last issue of the *Canadian Journal of Corrections and Criminology*.

I am associated with the Department of Psychiatry at Queens University.

Obviously, having worked for a year and a half in prison work, I do not pretend to have the answers, and I think all I can really do is to raise some questions. However, I have made some observations which to me seem valid and perhaps will give a slant on prison psychiatry which may fit into some of the testimony you have heard from other witnesses.

I would like to read my paper, which will probably take less than 20 minutes.

More Research:

Many communications in the field of corrections stress the need for "more research" before many changes can be made. Also, recent research has revealed that some well-meaning theories, if applied indiscriminately to all types of offenders, often fail to yield the expected results.

However, it appears to me that we are not making proper use of the few unequivocal facts which we do know about human behaviour, and instead of rationalizing our inaction by crying for more research, we may profit from a closer examination of some concepts currently available.

What We Do Know:

The four acknowledged theories of justice are retribution, deterrence, removal from society, and reformation. To neglect any one of these time-tested theories would be unpopular and could pave the way for injustice; to stress any one of them unduly could lead to a lack of correction of criminal behaviour. Doubtless the extreme lack of uniformity of sentencing at present in Canada is in

part due to a confusion or imbalance of these principles in the minds of the judiciary.

We also know that there is a clear need to understand, categorize or diagnose various types of offenders, so that various modifications of a correctional prowess may be applied with maximum effectiveness.

We have statistics available about criminal behaviour, and we know that the recidivism rate, generally, for offenders who enter a penitentiary is a staggering eighty percent, implying that penitentiaries are currently doing inefficient work as correctional institutions.

We also have a few proven concepts about reward and punishment; their ability to modify behaviour, and their limitations.

From the application of computer operation to the field of learning, we know there is no correction of a faulty response without a proper "feed-back," supplying information as to why the response was faulty.

What we seem to lack is a correctional policy which will take into account these diverse aspects of our knowledge, and which will apply them with some consistency, to the thorny problem of criminal behaviour.

Difficulties:

As a psychiatrist practising within the penitentiary system, I see my functions as threefold. I am asked to diagnose, treat or transfer inmates who may be mentally ill. This I can do. I am asked to evaluate other inmates; make comments about their personality structures and psychodynamics, and make predictions about their future behaviour. This I can also do, with a modest degree of success. I am also expected to treat inmates, using psychiatric techniques, to cure their criminal propensities. Despite some successes, there is no consistently great rate of rehabilitation through psychotherapy. In all modesty, I cannot account for this failure by any personal ineptitude, and I am forced to the conclusion that there is something, either in the offender or in the penitentiary system, which blocks the effective utilization of my psychiatric training and skills in a rehabilitative way. Since this frustrating lack of success sometimes occurs even in inmates where many hours of intensive psychotherapy have been employed, I would suggest that doubling or tripling the number of psychiatrists within the existing penitentiary system would not significantly affect the over-all recidivism rate.

First, I shall consider the difficulties which it is essentially my duty to correct. It may be that my selection of inmates for treatment has been faulty. Some inmates waste the time and frustrate the efforts of a psychiatrist by playing such games as "Bug Act" (feigning mental symptoms to escape from some responsibility or secure some special favour), "Scoring Pills" (acquiring unnecessary medication to be used as currency, added to illicit alcoholic brew, or used to achieve some sort of temporary Nirvana in order to "do easy time") or "Status Symbol" (where the psychiatric interview and its duration may be bragged about by the inmate as evidence of his or her abilities as a manipulator). Then, many inmates who are totally unable to profit from psychotherapeutic contact are referred because of the nature of the offence or because of their difficult behaviour within the institution. It is clearly my obligation to be selective in my psychotherapeutic efforts, but it is also a reasonable policy to include a few experimental cases who are not particularly good prospects for therapy, for indeed, by using non-penitentiary psychiatric criteria, the bulk of the inmate population are poor risks for change through traditional psychotherapeutic means. Gradually, we are learning more about selection, and about modification of psychotherapeutic technique to suit the needs of the particular inmate.

Having dealt with my own responsibilities in coping with the difficulties of corrections, I would like to comment further on various factors which seem to make my work harder personally, and delay progress generally.

As mentioned previously, justice seems to have four distinct purposes in the correctional scheme, and conflicting philosophies of how inmates should be treated cause confusion in those who deal with inmates. No group of people can work continually at cross-purposes and achieve any degree of success.

Prisons are usually antiquated, with poor facilities generally. However, adequate use is rarely made of the facilities already available.

Although custodial staff are screened on hiring by psychological testing, anti-rehabilitative attitudes often arise in the staff, and are never particularly handled by administration. Perhaps this deficiency is a result of an isolation of treatment teams from custodial staff. (In Prison for Women, we are currently attempting to rectify this by case conference, lectures, etc.), inviting custodial staff to participate more in the treatment orientation.

In the nine-week training course for Correctional Officers (the same course taken by women employees at Prison for Women as the male officers at Kingston Penitentiary) there are only five lectures with any reference at all to the psychological characteristics of inmates. ("The correctional process, correctional training, inmate training program, inmate attitudes, handling inmates.") There were some twenty-two lectures on essentially administrative matters, twenty-seven on various aspects of keeping discipline and security measures, and several lectures and practical exercises in judo, gas masks, riot guns, rifles, revolvers, army radio, etc. There seems to be a consequent ignorance on the part of the staff as to the purposes and practice of truly correctional measures. So long as the specific rules are obeyed, no attempt is made to deal with hostile or pathological staff attitudes.

The lack of over-all planning and co-ordination can cause deep rifts, resentments and confusion which block re-habilitation. One glaring example is the difficulties I have personally encountered with the National Parole Service. (See Supplement "A" for details). Its policy seems absolutely unpredictable. Before the tragic events of the Dion case, sexual offenders seemed to secure parole fairly easily; since then, few have made it. Up to one year ago, few long-term paroles were granted; in recent months several inmates with "big time" have gone out on parole. One suspects that press and political factors may be more determining in the granting of a parole than the re-habilitation of the particular inmate.

Parole statistics show a 90 per cent success rate,⁴ but many of these successes are minimum paroles of no more than three months duration. No reasons are given to the inmate for the decision of the parole board, and indeed, the word "reasons" seems to be a dirty one at the NPS, Ottawa. There is no "feed-back", either to the inmate or to the correctional staff. Consequently, I am forced into the impossible dilemma of trying to help an inmate prepare himself or herself for a life outside prison, and yet both the inmate and I are totally in the dark as to the prospects of a parole, the necessary conditions for parole, whether my opinion will carry any weight with the NPS, and reasons for the decision, whenever and whatever it might be. Although I am asked for evaluations of inmates by the NPS, I cannot be at all certain if even my strongest recommendations will be heeded, and hence, I am unable to use the prospect of a parole as an incentive to aid the inmate in the struggle for personality change through psychotherapy.

The NPS states in its booklet for inmates, "the function of the Parole Board is to select those inmates who show that they sincerely intend to reform, and to assist them in doing so by a grant of parole. If you are selected for parole, it will be because the Board considers you intend to live a law-abiding life in the future

and that parole will help you to do so." From some of the decisions I have seen, this statement smacks of hypocrisy.

One suspects rather that parole decisions are based on the amount of suffering the inmate has experienced, the type of offence and the Board member's personal biases surrounding it, and his expectations of the decisions of other Board Members in the case. (Unanimous decisions, with three Board Members agreeing, are less troublesome than split decisions where an agreement of three out of five is necessary.) If my resentment in this area is obvious, it is because I have seen decisions of the NPS which seem to be detrimental to an inmate's chances for re-habilitation, which seem to nullify hours of careful psychotherapy, which provide no correctional feedback to the inmate, and which deny me a tool which I could utilize to psychotherapeutic advantage.

The last obvious difficulty within the prison is the curious lack of reward for good behaviour, and the attention paid to "performers". As mentioned above, good behaviour in the institution is no guarantee of parole, and it is also no guarantee of special status, pay, freedom, etc. It is true that inmates can lose days of statutory remission through misbehaviour, but these days are often only a drop in the bucket, and can sometimes be re-gained by skillful manipulation at the end of his sentence. Misbehaviour may result rarely in the lash or more commonly in segregation, but may secure desired attention, transfer or medication. Hard work is largely unrewarded and regarded with disfavour. The "smart con" keeps just busy enough to occupy his mind, and hence do "easy time".

Alternative Systems:

Wilson has advocated that some of the principles and practices of Civil Law be applied to the Criminal Courts. There is an increasing awareness of the need to provide recompense for the victims of offences and some of the European judiciary, headed by Ancel, are meting out sentences which are designed to compensate victims, or society, for the harm caused by the crime.

In the nineteenth century, McConaghie set up a system of "task sentences" in Australia, which apparently worked moderately well there, but which deteriorated into mindless, manual, useless jobs when attempted in England, largely because of the growth of the unions in industry and their objections to meaningful production by inmates.¹¹

The Highfields Project in New Jersey provided intensive group interaction, opportunities for meaningful work and discipline for inmates, and had a measurable rate of success.

Lakeview Forest Camp, with its high expectations of the assumption of responsibility, is having a "success rate" of 68.4 per cent with difficult young offenders (Control group 44 per cent success).

Cormier has embarked upon a "therapeutic community" program with persistent-recidivist offenders in New York State. The institution seems already to be functioning far better than one might have expected. Impact on recidivism rates have yet to be evaluated.

Conclusions and Proposals:

It is obvious that inmates will need to be categorized, diagnosed or otherwise differentiated, so that specific remedies may be applied to their specific problems. However, "therapy" must involve more than the few minutes or hours spent with a psychiatrist or social worker. Successful rehabilitation is more likely if the entire legal process, from arrest to expiration of sentence, is geared toward a logical and consistent program of managing the criminal.

Retribution, deterrence and segregation cannot be eliminated—they are an integral part of what we know as "Justice". However, surely the arrest and trial, the agonizing suspense, the removal from one's home, job and friends, and the

deprivation of liberty contain enough of these elements, without adding hostility, degradation and enforced idleness in crowded surroundings.

We know that punishment is an effective method of evoking anxiety and modifying human behaviour. We also know that, to be effective, the punishment must be closely associated with the misdeed, and in multiple conflict situations, as most human dilemmas are, the conflicting motivations, if controlled only by punishment, may paralyze effective action and cause maladaptive behaviour.¹ We also know that reward can modify behaviour, and the reward may be somewhat removed from the desired behaviour, but definitely related to type and rate of response.²

Several years ago, at Beaver Creek Correctional Camp, inmates were observed working exceedingly industriously. This was to build a swimming pool for their own use—a clear example of the effect of a reward on productive activity.

Inmates have in common a set of attitudes which has caused trouble, and which usually need to be replaced with a set of more adaptive and acceptable attitudes. Their particular psychopathology may only yield to individual corrective measures, and yet a considerable amount could be accomplished by following a few proven guidelines.

A theoretical ideal can be proposed. Suppose an individual commits a crime, is arrested, tried fairly, and convicted. He is justly sentenced with a punishment which is a reflection of the severity of the crime, the offender's past record, his personality and his particular needs. However, this punishment, to serve a useful rehabilitative purpose, should contain some element of restitution, either to the victim, or to society generally. He may be given a suspended sentence, placed on probation, and one of the conditions of his probation being that he make a form of restitution. Or, he may be incarcerated.

If he is sentenced to prison, there should be some form of consistently meaningful behaviour which would recompense society for the wrong he has committed, reward the offender, with special privilege, shorter sentence, guarantee of parole, and simultaneously develop reasonable work habits and a sense of co-operation with his fellow man. An additional benefit would be to allow normal penitence, but also to provide a normal termination of this through rewarded effort which would fulfill his psychological need to "pay his debt". He would emerge from prison knowing he had committed a wrong, suffered for it, made restitution to society, and now was forgiven.

Staff efforts should be to assist the offender to work-off his debt as efficiently as possible, and assist him in altering the specific deviant aspects of his personality which need correction to enable him to stay out of prison. Significant change in attitude through psychotherapy, education and counselling should also be recognized and rewarded. Economists, industrial consultants and psychologists would be needed to expand prison production to a useful level for this kind of system to work.

A close examination of Canada's prisons will reveal that this simple model, based upon a few psychological concepts is not even approached. An examination of some of the "Alternative Systems" mentioned earlier will reveal that they embody at least some aspects of my theoretical model.

What practical suggestions can come out of this? I have eight.

1. The Judiciary could recognize the value of restitution, and sentence appropriately.
2. More latitude could be expressed in sentences, so that an inmate's release date could be a true function of his efforts to involve himself in meaningful and useful activity.

3. Prisons should be productive and socially useful (despite any objections from organized labour).
4. Rewards should be given for productive behaviour, in the form of special privileges within the institution, visits out, increased pay or early parole.
5. Reasons for decisions regarding parole should be given to both staff and inmate.
6. General co-ordination as to what is to be accomplished by the prison industry, by the staff and by the individual inmate, is woefully needed.
7. Psychiatrists, psychologists and social workers should assist in diagnosing, placement, prediction and dealing with residual areas of difficulties not solved by the system, both in the inmates and the staff.
8. Appropriate policy modifications for this system should be instituted into the police, the judiciary, the penitentiary service, the staff training procedures, etc.

There is not even any need for a pilot project along these lines, for the theoretical basis whereon it rests is accepted modern learning theory, and the pilot projects have been or are being carried out. We need more research, but much more, we need some immediate action on the facts available!

If I may, I would like to go on to specify a little more the difficulties and the cases outlined in my supplement.

Mr. WINCH: Mr. Chairman, may I make an interjection here? I do it most sincerely and conscientiously. Speaking from past experience, and keeping past decisions of committees on things of this nature in mind may I make the proposal that the press and others do not take note of names or numbers of individuals which may be given as example cases. It can be most embarrassing if these come out in the press as actual names.

I am sure that the press will agree with my suggestion that names and numbers be omitted and that these cases be used merely as examples. Is that agreeable? I would suggest that the same thing apply to our official transcript.

MEMBERS OF THE COMMITTEE: Agreed.

CO-CHAIRMAN (*Mr. Watson*): Thank you for your suggestion, Mr. Winch.

Dr. McCALDON: These are further observations being more specific about the difficulties which I have been encountering with the National Parole Service. The first two are parole violators, people I feel should never have secured parole.

SUPPLEMENT "A"

In all fairness, it must be recognized that the National Parole Service has a difficult task, is under constant criticism and shows good judgment in a great number of its decisions. My main objections are that its decisions are seemingly unpredictable, its policies wildly fluctuating, its practices ponderous and unfeeling, its timing awry, and its correctional feedback non-existent. The following five cases are briefly documented as blunders of the NPS. (Further details are, of course, available on the inmate's files. Actual names and numbers are used for reference purposes. It must be stressed that this is highly privileged and confidential personal information, not to be placed in the hands of anyone who is not a legitimately interested party, and who does not understand or accept the responsibility of privileged information.)

I Parole Violators:

The first is a 29 year old man with 16 previous convictions for mainly acquisitive offences, dating back to 1946. Deprived family background. Indifferent to marriage. Found to be manipulative and evasive on psychological testing. Is "prison-wise", does time easily. Psychiatrist noted "unlikely for this individual to remain crime-free". Despite this, he was granted a parole but no consistent supervision. Broke parole after several months by committing theft, forgery, uttering, having liquor, escape. Sentenced to an additional 3½ years.

Comment: Far better prospects for parole than he are consistently denied it. Why, with the available facts, was he granted one?

The next is the case of a 22-year-old single woman. She was sentenced to serve two years and she had eight previous convictions mainly for acquisitive offences. She has been involved in two separate escapes. She was admitted to mental hospitals three times, and the diagnosis on each occasion was "sociopathic personality disorder". She was found to be manipulative within the institution, on the fringe of much trouble and persistently stole from other inmates. Despite this, both a psychiatrist and a social worker recommended her for parole. She lasted about a month before leaving town without permission, not before trying to induce another inmate to escape lawful custody. So far as I know she is still at large.

My comment on this is that the opinions of psychiatrists and social workers are not infallible. Why did the National Parole Service not challenge their recommendations, ask for a further assessment or demand a better level of institutional adjustment before granting a parole?

The next case is one in which I feel a good prospect for parole was turned down. She is a single woman, aged 20, with one previous conviction. She was sentenced to two years for uttering a forged document which, in fact, was a forged prescription for a controlled drug. She was pregnant at the time of her arrest and had her baby in prison. Her mother is caring for the child. She has been associated with "rounders"—and I will not elaborate on that term—for some time mainly to escape from an otherwise drab existence, but was not persistently sociopathic. She showed empathic ability, psychotherapeutic interest, and a very great capacity for change. She wanted to go home on parole to care for her baby, but parole was denied.

The next case is that of a man in Kingston Penitentiary, 38 years of age, single, with long-standing homosexual tendencies, serving preventive detention as a "dangerous sexual offender". He is intelligent, well-educated—beyond the B.A. level—and musically gifted. His "victims" were usually teenage boys with homosexual tendencies. He has never shown any particular violence or even undue coercion in his offences. He showed therapeutic potential and co-operation, was granted a parole and was out from May 1962 to September 1964. He voluntarily confessed some further homosexual involvement, and was returned to Kingston Penitentiary. He again showed excellent co-operation and insight. Despite his history, he has had some heterosexual experiences and interests and is anxious to avoid further trouble and regain his freedom. He applied for parole but heard nothing until five weeks after his eligibility date and then he was informed that parole was deferred. The psychiatrist has noted that he is as ready as he will ever be to resume life in normal society. He remained incarcerated and it is interesting to note that on New Year's Eve when there was a lot of noise and excitement around he went into a severe schizophrenic episode. This was the first time, and was completely unexpected. I am not sure it would not have happened if he had been paroled, but he is much better now and is on medication.

The next case, and the one with which I have become most closely involved and which has, perhaps, angered me most in this whole business of parole, concerns the case of a man at Collins Bay Penitentiary. He is a 34-year-old

married father of three children. He has had two previous convictions, one for indecent assault, and he is now serving five years for indecent assault. He is a heterosexual paedophilic offender. One of his convictions was for an acquisitive offence. His crime was repugnant, but there was alcoholic involvement in his offences. I must say that in this particular crime there was a considerable amount of force used and there was damage to the victim, physical as well as psychological. It was a bad type of sexual offence. However, he showed genuine remorse and great motivation in accepting and using psychotherapeutic help. Because of this he was given over 50 hours of intensive psychotherapy, in addition to counselling by classification officer and attendance at A.A. meetings. He showed excellent progress and asked for referral for further psychiatric supervision when released. His wife's attitude was favourable. The psychiatrist recommended parole, noted that the inmate was psychologically ready for a parole at the time of his eligibility date. He heard nothing for several weeks and then he received a curt form letter informing him that his assessment was not completed. After 3½ months of anxious waiting he was informed that his parole was deferred for over a year. He felt completely broken and demoralized. His wife was puzzled and resentful. He is doing his time quietly now but shows none of his old enthusiasm for post-release life.

My comments here are that these inmates are wasting time, facilities and the taxpayers' money for each unnecessary day that they remain incarcerated. If there is some reason for their lack of acceptability for parole, they should be told that so that they can get to work on their defect. There is no magically rehabilitative value in simply "serving time". In the last case I submit in all humility that the psychiatrist, who happened to be myself, was the only one qualified to make a judgment about his fitness for release, and the psychiatrist's recommendation was not followed. No inmate could have shown more sincere intention to reform as demanded by the National Parole Service booklet than he. I feel I have studied sexual offenders in a fair amount of depth. I knew him exceedingly well and I had the benefit of other opinions about him. I defy any member of the National Parole Service to predict any better than I could about this man's chances of keeping his parole. In all sincerity this man could not have shown any more sincere determination to reform.

These are some of the human tragedies which have been played out with the parole board. In dealing with these difficult inmates, perfection is not possible, but a modicum of improvement surely is.

CO-CHAIRMAN (Mr. Watson): Would the committee prefer to question Dr. McCaldon now?

Mr. WINCH: Yes. I have a question. In the first instance, Mr. Chairman, may I also say that as far as I personally am concerned, Dr. McCaldon has produced one of the most thought-provoking documents I think I have ever read since I have been interested in the matter of Canadian penology. It certainly deserves a great deal of consideration, and should perhaps lead to further questioning of other people as a result of reading the contents of this brief.

By a strange coincidence I was privileged to receive this morning through the courtesy of Colonel J. R. Stone, Deputy Commissioner of the Penitentiary Service, the interim and final report from the Kingston Penitentiary on the incident of 430 inmates going on a sitdown strike on January 8 and 9. It is not marked "Confidential". There are some comments in both the interim and final report upon which I would like to receive a comment from Dr. McCaldon. With your permission I will just read the excerpts so that the doctor can answer them one at a time and so that other members will be in a position to do further questioning if they wish to do so. I am very happy to have this opportunity of

doing so because the doctor has been there for a year and a half and is familiar with the situation:

The overcrowded conditions at this institution at the present time, with not a single vacancy in the dissociation cell block and the segregation wing, makes it most difficult to operate and it is requested that relief, by way of a transfer of at least 50 inmates be effected as soon as possible.

Further on, when speaking about those who brought the situation about, he says:

It is interesting to note in this connection that they invariably succeed in involving a substantial portion of the population, many of whom have no prior knowledge of what is going on or why, in the hope that a greater degree of credibility will be accorded to their stated complaints.

Increasing demands are being made upon our limited psychiatric accommodation facilities which house 28 patients and 8 orderlies and oftentimes—

And I want to emphasize this:

—and oftentimes necessitate the discharge of one patient in order to admit another. This limited accommodation serves all the institutions in the Ontario Region. The result is reflected in an increasing number of mentally disturbed and emotionally maladjusted inmates in the prison population and in the problems associated with their management and control. Psychiatric facilities should be greatly expanded to meet the needs of the region.

CO-CHAIRMAN (*Senator Benidickson*): Mr. Winch, maybe the other members of the committee caught what you were doing, but for my own information, is this a report to Mr. Stone or a report made by Mr. Stone?

MR. WINCH: This is a report of the warden and deputy warden, an interim and final report.

CO-CHAIRMAN (*Senator Benidickson*): But Mr. Stone passed it to you?

MR. WINCH: Yes. I asked him because of the letters I was getting, and it is not marked "confidential." It is from the warden and deputy warden to the Commissioner of Penitentiaries.

I have just one more quote, and then I can ask for comment. This is from the final report:

Future programming: We are convinced that this demonstration was similar to a Punch and Judy show. In the background sat a few individuals, who quietly and unobtrusively manipulated the strong arm personnel.

This is what I want to draw attention to:

It must be realized that this opportunity was exploited to the utmost by our homosexual element—and it is this strata of our population that will necessitate close supervision in their recreational activities.

Just by reading those excerpts, and with Dr. McCaldon here, I wonder whether he would tell the committee—in view of certain parts of his brief also, about the situation—in particular about these 430 who sat down in the recreation area where they had been watching a hockey game on TV, where, according to the report, the vast majority did not know what was going on and were being controlled by a few, with the homosexuals playing quite a part in it and taking advantage of the situation.

From a psychiatric standpoint, what is your comment on the fact that all 430—although the majority were not directly involved, did not know what it

was all about, but were intimidated—were immediately charged and lost 90 days of remission? They all lost their 90 days of remission, but, of course, a number of them were placed on a limited diet and are now in segregation. I am interested in the effect, from a psychiatric point of view, of the entire 430, including all those who were not directly involved, losing 90 days' remission of their time.

Again, on the specific mention of homosexuals, I personally am speaking to psychiatrists when I visit penitentiaries, and I think, Mr. Chairman, it was confirmed when we had a previous psychiatrist appear before us, there was agreement that with the proper psychiatric care and treatment as high as 70 per cent of the sexual offenders—and I presume that includes homosexuals—would not repeat the offence nor return to a penitentiary.

In view of the quotations I have read and my particular comment, I wonder whether Dr. McCaldon could give us any advice or proposals?

Dr. McCALDON: I do not know whether I could really give advice or even comments of a specific psychiatric nature. What I know about this incident is merely what I hear from the patients who sit in front of me and tell me their problems. Some were people who were involved in this incident.

It seems to me, maybe not so much from a psychiatric point of view but more from a common sense point of view, one can take any small amount of being punished for a group offence, even though one is not specifically guilty. As a schoolboy one can take having the whole class kept in after school as long as it does not go too far. Yet there seems to be a lot of resentment on the part of the inmates who were essentially innocent.

It also strikes me that for a prison to run effectively there has to be some kind of balance between custody and security, and also work, self respect and a limited amount of freedom. When this balance becomes upset, as it has when the lid clamps down there is an incident and everybody is kept locked up, and the shops are closed down and nothing moves for several weeks—

Mr. WINCH: They have also closed the chapels.

Dr. McCALDON: Yes—tensions rise to an almost pathological level, even in the case of the most psychologically normal offenders, tempers flare, and things are very edgy for a long time. I do not think that is a very healthy situation. I do not have any alternative. This is an administrative matter, and I cannot say how the administration should run the prison.

Mr. WINCH: I am speaking strictly from the psychological and psychiatric aspect. A great many inmates are quite intensely religious. Therefore, at a time of stress and pressure, such as happened as a result of this occurrence, if you are innocent and if you are particularly interested or intensely religious—or perhaps not even intensely religious—that is the time when you want that kind of help and opportunity of a spiritual nature, and yet I know that until all work parties are back—and they are not even yet—the chapels are closed down. From a psychological and psychiatric point of view, have you any comment on that?

Dr. McCALDON: I think it is obvious this is not a good thing. It does not even help to relieve tension or solve one's problems. It causes a great deal of tension, and the predominant symptom of the one man I mentioned who became psychiatric was that he might be punished for something that he did not do; he might be thrown into segregation because of an adverse remark made by a man in an adjoining cell. There is this feeling that one can be caught and punished, but be completely innocent. This was an intense kind of feeling on his part.

Mr. WINCH: I know your brief is so interesting there will be a vast number of questions, but would you comment on the information given and the opinions expressed to me by psychiatrists of at least two penitentiaries, and confirmed by at least one here, that with proper psychiatric attention and treatment up to 70 per cent of those in prison for sexual offences would not repeat, because recidivism with sexual offenders up to now is very heavy.

Dr. McCALDON: This may be true of incarcerated sexual offenders, but from statistics I can recall—and this is out of Mohr, Turner and Jerry's book, *Pedophilia & Exhibitionism*—the sexual offenders generally have a 15 per cent recidivism rate, which is not very high. This would be all the sexual offenders and not just the ones sentenced to penitentiary. I feel that with good management it might be that up to 70 per cent would not repeat.

Mr. WINCH: If they had the full psychiatric treatment?

Dr. McCALDON: Yes, but as Dr. Scott has pointed out, just because a man has committed a sexual offence this does not make him a better prospect for psychotherapy then, say, a bank robber might be. A lot of people are referred to us because of the nature of the offence who are not likely to profit from psychotherapy.

Mr. WINCH: In Kingston you are faced with the situation that you have to discharge one who is not cured or should not be out because you have to replace him and need his cell for someone else who is worse. What happens to the one who goes out, that you displace?

Dr. McCALDON: Well, it is usually a matter of sink or swim. On Thursday I put a man out of the psychiatric unit—a very inadequate type—simply because we needed the bed. I recommended at this time that he be kept under fairly close observation by the staff. This is about the best one can do.

Mr. AIKEN: But is there any possibility that the work you did on this particular man may be lost because you had to put him out before you had finished the treatment?

Dr. McCALDON: That is a possibility. One can recommend that he be called up again the next week. One can recommend that he be placed in a structured work setting, but some of these recommendations are followed through and some are not.

Mr. AIKEN: I ask this question in order to keep prison problems somewhat in perspective, perhaps. If a group of inmates rioted in the same way as a group of teenagers did in Ottawa on Wednesday last, would it be considered more serious in prison, and, if so, why?

Dr. McCALDON: I think it would, but I do not know why. I think one of the difficulties that the Parole Board faces, or that anyone who has had contact with an inmate faces, is that if something dreadful happens—a murder or a repeated sex offence—it is usually said: "Oh, that is convict 'X' who was recommended for parole by the National Parole Board, or by Dr. so and so". Yet, lots of murders are committed, and lots of riots are instigated, by people who have never served time and who do not have a record, and in such a case there is no scapegoat. I imagine that this trying to point the finger of blame at someone is a sort of psychological reaction. It is like saying that when one is a prisoner he is a bad guy anyway.

Mr. AIKEN: This is the point I am trying to make, that misbehaviour of even a minor type in a prison is considered more serious than the misbehaviour of people who are not in prison, while I think the reverse should apply. The people in prison are under tension and stress.

Mr. MATHESON: Doctor, I see that inherent in this able paper of yours a pretty strong criticism of the Parole Board?

Dr. McCALDON: Yes.

Mr. MATHESON: I judge from this that there is an inference that prison personnel are actually in a better position to determine who should be paroled; is that correct?

Dr. McCALDON: I do not know whether they are in any better position. What I would like to see—

Mr. MATHESON: Well, can you make a better judgment than the Parole Board, in your view?

Dr. McCALDON: In some cases, yes. In the case of particular sex offenders, yes.

Mr. MATHESON: When you mention cases involving repugnant crimes you must be practical and recognize that any parole board is going to be carrying the burden in respect of any subsequent infraction of the law, as happened in the Dionne case. Would you be prepared to recommend not only parole in that instance, but parole in similar cases?

Dr. McCALDON: Certainly. I would recommend it in the strongest of terms.

Mr. MATHESON: And you would take the responsibility if this were done from Kingston Penitentiary and not from the Parole Board?

Dr. McCALDON: Surely, knowing I may be wrong and not infallible, but saying that in my judgment this is a chance that the man should have. Surely, he should go out into society when his attitudes are optimum. If his crime is so repugnant that society cannot tolerate him then let society retain capital punishment. Such an inmate instead of being removed from society for life is, in spite of the repugnancy of his crime, sentenced for five years. He then has an expectation that after serving one third of his sentence he will be eligible for parole. After undergoing psychotherapy he reaches a certain level of adjustment, perhaps not 100 per cent, but at that time he is told nothing. He is kept dangling on for weeks and months until he is completely demoralized. Now, whether he gets out or not he has passed that optimum stage at which he was when he was eligible for parole.

Mr. MATHESON: But we have a greater duty to the public than to the individual criminal. I realize that these are matters that cannot be truly separated, but would you believe, if as a matter of policy it became a direction to the Parole Board or, if you like, to the Penitentiary Service, that a certain percentage of inmates should be paroled, that this could be done effectively? In other words, could you pick from the maximum security institution at Kingston, or Collins Bay or Joyceville a percentage of people who would, in your view, represent good risks and in respect of whom the chance of recidivism would not be very high?

Dr. McCALDON: Yes, I think so.

Mr. MATHESON: Would you be able to choose those people better, in your view, than the Parole Board would?

Dr. McCALDON: In some instances, yes, but in others, no. The Parole Board has statistics. They have researchers who are able to look into families, and sometimes I cannot do this. Sometimes all I can do is see the inmate across the table, plus a few documents on him. But, were I given the sort of social workers and community assessments that the Parole Board has I think I could make a reasonable kind of assessment. The thing is that if these people are to go out—and they are to go out when their sentence expires, if they are not serving preventive detention—then surely they should go out when their chances are best, when their attitude are at an optimal level, and when they are likely not to offend again. There is absolutely no sense in saying to a man: "Okay, we know that after two years your attitude is fine, but we are going to make you serve five years anyway," because he is more likely to offend again at that stage, and there is no control over him because his sentence has expired.

Mr. MATHESON: Do you think, doctor, that there could be a combination of effort as between the Parole Board and the penitentiary personnel which could arbitrarily fix parole at a very greatly increased rate in the institutions with which you are familiar?

Dr. McCALDON: I would love to see it. I think this would be wonderful. I would like to see at least reasons given so that one knows it is not because of the sort individual reaction of the members of the Parole Board to the nature of the crime. How do we know when they say "Parole denied" what is going on in their thinking. They are not required to give reasons, and I am at a loss to know how to help an inmate correct whatever is wrong with him at this point. Why is he unacceptable for parole? He is not told.

Mr. WINCH: Nor is an M.P. when he writes about him. He is not told, either.

Co-CHAIRMAN (Mr. Watson): Are there further questions, Mr. Matheson? Mr. Aiken?

Mr. AIKEN: I was going to ask if the doctor ever appears personally before the Parole Board on these cases, or is his opinion always given in writing.

Dr. McCALDON: It is always on paper. I have had one visit to the National Parole Service here, and this is where I discovered that "reasons" is a dirty word. It was at that point that I suggested it. I have been able to find out a little bit in some instances as to why an individual has been turned down. For instance, there was one man who I think had served five years of a ten year sentence, and who applied for parole and was turned down for another two years. Both Dr. Scott and I recommended him for parole. We had both seen him psychiatrically. I wondered why he was turned down, and ultimately the most feed-back I could get from the National Parole Service was that in the community estimate his mother appeared kind of neurotic. My answer to this is that if his mother is neurotic then you should say to him: "Your mother is no good for you. Change your plans and we will reconsider your case in a couple of months when you have made different plans". But, we should not defer him for two years because he has a neurotic mother.

Mr. AIKEN: Do you get fairly immediate decisions from the Parole Board?

Dr. McCALDON: Sometimes they come through before the eligibility date. This has a demoralizing effect on an inmate if he knows that his friend is due on May 3, and on April 30 he hears he has got his parole, whereas his due date may be May 14 and he is still waiting to hear in June or July.

Mr. AIKEN: Are these matters dealt with on recommendations from you or from the prison, or do they have to come from some other source.

Dr. McCALDON: Almost everybody who has had some psychiatric contact with the inmate is asked to make some kind of representation regarding parole.

Mr. AIKEN: One other question, concerning some of the instances you have quoted. Particularly the one concerning the woman aged 20, who had her baby in prison, is the type of case that makes one wonder about the sort of reasons for anger, and what is wrong with the parole system. Not very long ago I saw an English film which was almost identical to the case you mentioned, and I wondered to myself if these were situations that do not arise in Canada any longer, but I see from your brief that almost identical situations have arisen; yet in another case the Parole Board was castigated for accepting the opinion of a psychiatrist and a social worker without making further inquiries. Can you justify these two instances?

Dr. McCALDON: I think I said this to point out that psychiatrists' opinions are not infallible, and obviously a total picture has to be gleaned. I am not trying to suggest that statistics, previous record, and attitudes of the arresting officer, should be thrown out as worthless. Certainly not, because they count for something. And I am not trying to suggest that the way the inmate appears to me across the table in the prison situation is all that counts. One always feel closer to one's own patients. I am not suggesting this should be the sole criterion. Obviously there has to be a mixture of what the Parole Board already knows and what I know as a psychiatrist; and sometimes, as in this particular instance, the

psychiatrist and social worker were wrong, and the Parole Board took their opinion and ignored the opinions of the people who diagnosed in the hospital; they ignored her acting up in prison and her very unstable background and granted a parole without taking into account these factors.

Mr. AIKEN: Do you really think that the giving of reasons would have improved the situation? We have the same sort of situation currently now in connection with immigration when people are denied immigration on security reasons, and so forth, and they are never given a reason. It is put forward that if a reason is given it only makes the situation worse because then the person wants to argue about the reason and feels that the reason given is wrong. They might feel that the Parole Board was wrong, too. Do you not think that such a situation would arise in the case of parole and perhaps create a worse situation than the remedy? I am just asking you.

Dr. McCALDON: It could happen. It has been my experience that rather than to get into an argument one gives a reason. I have given reasons to inmates, and they have said, "Are you going to recommend me for parole; do you think I am cured?" I have answered, "No", and rather than get into an argument about it I have found that the inmate would get angry at the time, but at a later time would say, "Okay, let's get to work with what is wrong with me. If you don't think I am ready, what aspects am I deficient in, and what to do about them?"

Mr. AIKEN: Therefore you are taking everything into consideration and you feel that the best answer to the case is that the Parole Board should give a reason and give a decision for everything?

Dr. McCALDON: I think so.

Co-CHAIRMAN (*Mr. Watson*): Senator Fergusson?

Senator FERGUSON: Dr. McCaldon, I notice that on page 3 you say:

Although custodial staff are screened on hiring by psychological testing, anti-rehabilitative attitudes often arise in the staff, and are never particularly handled by administration.

Is this just from observation that anti-rehabilitative attitudes often arise, and what do you think could be done about it when it occurs? Perhaps I should go further and say that you referred to the nine-week training course for correctional officers. I presume they receive this training when they first go in. Do they get further in-service training or is that the end of their training?

Dr. McCALDON: I am not an expert on the exact amount of training. I know they do return for various courses, and the nine-week training course is not the very end.

To deal with the earlier part of your question: yes, it is from personal observation not only of what the inmates tell me, because obviously their feelings may be somewhat biased, but also reports from other staff members, sometimes very stable people and very perceptive; and really there is nothing to prevent a person from being a very annoying type of custodial officer to the inmates. So long as they are not overtly brutal or are not breaking rules this can go on, and this may be one erotic way they get their kicks. Nothing needs to be done about it. My proposal would be to increase the amount of training and to try somehow to let the custodial staff be imbued with a treatment attitude by more sharing of what is trying to be accomplished. Women were there to do this by having case conferences and by asking two or three members of the custodial staff to come on a rotational basis to all the case conferences. Dr. Scott and I have both embarked upon a series of lectures to try to give the basics of what goes on in psychotherapy and what we know in modern psychology, in learning theory and psychiatry, not only to rehabilitate the inmates, but so that the staff can examine their own attitudes on occasion, too.

Senator FERGUSON: Do you find that the staff are receptive to this sort of thing, and perhaps change their attitude.

Dr. McCALDON: It is my impression that they enjoy being let in on things; it helps them immensely.

Co-CHAIRMAN (*Mr. Watson*): Mr. Matheson?

Mr. MATHESON: Mr. Chairman, may I offer a comment in line with what the doctor said at the beginning of this paper. Recently I visited a prison in Taipei, regarded as a model prison in Asia, and they had a compound which housed over 2,000 prisoners at a cost of approximately \$250,000. They had a system of progression of prisoners. One man I have in mind was in a room with 15 others, and he was on the floor on his mat. As he progressed and became better adapted to a single room in the prison, which is a position of very high status indeed, he followed this progression fairly well. Moreover, he was paid for his labours. The result of that plan was that the prisoners were as busy as bees, and not only did handicraft work, but did useful work which was sold under most ideal circumstances and under the very best conditions possible. In fact, children were in the prison with their mothers, and they had playgrounds, all the toys possible, playpens, and so on, so that the mothers were much happier there, having the children near at hand. They even create gardens. There were no guards armed, there was no need of violence or coercion, yet these people were what we would regard as at least needing security prison. I was present for a while with over 450 of them in a concert hall, with one guard present unarmed. Now, this all sounds dreamlike. Do you think such a thing could happen in this city?

Dr. McCALDON: I think it is possible, even probable, that such a thing could work, but the main thing that I think I have been proposing is somewhat similar to what you heard from Dr. Scott about his concept of Reward City. Nobody makes any changes without a reward. I mentioned reward and punishment as known in learning theory and the effectiveness of each of them.

I think one has to recognize that these inmates, generally speaking, are characterized by one thing—immediate rewards, by being impulsive, by not having long term planning. If someone says, "You are going to lose 20 days' statutory remission"—that is two and a half years from now, so why worry about it. The rewards have to be immediate and have to be in the form of increased privileges, or pay, or knowing they will get out significantly sooner. It could work under those conditions. There would be no incentive to escape or to create a riot. There would be incentive to work productively and to be well-behaved.

Mr. RICARD: Following the references you made with regard to the Parole Board, would one be justified in concluding that you would wish a greater degree of co-operation between yourself, the Parole Board and the staff, before parole is granted?

Dr. McCALDON: Yes, that is a justifiable conclusion.

Mr. RICARD: There could be a greater degree of co-operation?

Dr. McCALDON: Yes.

Mr. RICARD: Thank you.

Co-CHAIRMAN (*Mr. Watson*): I take it your major recommendation is that there should be more co-operation between the Parole Board and the psychiatrist?

Dr. McCALDON: Yes.

Co-CHAIRMAN (*Mr. Watson*): What is your feeling about the type of facility that Mr. Matheson has just mentioned, manufacturing facilities in the prison, and the payment of an industrial wage. We have been told in some previous testimony, that this is a trend in many prison systems today. Do you feel this is something we should encourage here, in our system in Canada?

Dr. McCALDON: This is a question that probably ought to be answered more by industrial psychologists than by economists.

I do not know of what the practical way should be for Canada. All I know is that there needs to be better rewards for individual effort; and it might be this way, by paying prisoners. It might be paying them in days rather than in money; for each amount of goods ground out, or each grade completed in school, that they would get days knocked off the end of the sentence. That might be an effective reward.

It might be by paying them in days out of the institution for visits.

It might be by helping them by paying them some money to help support their families, so that the taxpayer would not have to pay for it. I do not know how the practical aspects would be worked out, but usually there is some practical way of rewarding people for meaningful effort, and also to recompense society for the wrong done, rather than by making society pay further to help keep the prisoner and to keep his family. They might do that rather than sit around idle and then riot.

Co-CHAIRMAN (*Mr. Watson*): In your view, is Kingston overcrowded?

Dr. McCALDON: It is my view that Kingston is overcrowded but I do not know the statistics on the number of inmates recommended and the number of inmates currently there.

Co-CHAIRMAN (*Mr. Watson*): In your discussion with inmates, is there any reflection of this overcrowding, in their attitude towards prison, their adaptation, and the possibility of their individual rehabilitation?

Dr. McCALDON: Strangely, I do not hear an awful lot about this from my patients. They do not complain a lot about it. I think probably the results of the sensory deprivation experiments will be interesting in this, in order to try to weight the effects of overcrowding and lack of sensory stimulation, et cetera.

Co-CHAIRMAN (*Mr. Watson*): You mentioned earlier that even doubling or tripling of staff of psychiatrists would not necessarily result in more people being rehabilitated. Is it your view, then, that there is no need for additional psychiatrists in the prison complex at present?

Dr. McCALDON: No, that is not my view.

My view is rather that the simple hiring of more psychiatrists and psychologists, and leaving the system unchanged—the buildings, the staff training, the staff attitudes, the policies—will do very little.

Hiring psychiatrists and psychologists obviously is a good thing, but it would have to go along with making its influence felt throughout the staff. The whole staff is correctional, not just the few moments spent with the psychiatrist.

Co-CHAIRMAN (*Mr. Watson*): Do you have any suggestions as to how we can induce more psychiatrists and psychologists into the profession, into the prison?

Dr. McCALDON: I would go completely along with Dr. Scott's proposal, of getting people rather while they are in medical school or while taking a post-graduate training in psychiatry. This is how I became interested in forensic psychiatry. I like it and I see it as a challenge.

I think more people would see this also and I think it could be done in a way to make it attractive, by their spending part of their training in a prison or in some correctional place.

Co-CHAIRMAN (*Senator Benidickson*): Would this be accepted by the medical profession as something in the nature of internship?

Dr. McCALDON: I think a rotation as part of the training procedure would be accepted.

People get their training in a variety of ways. The Royal College of Physicians lays down what the requirements are as acceptable training places.

Provided there is a certain amount of supervision, provided a person was not overloaded, say six months or a year in a prison, as a training place—and a year in other places, like an Ontario hospital, or doing out-patient psychiatry, or general hospital psychiatry—should be accepted. But this would obviously have to be worked out by the Royal College.

The committee adjourned until 11.45 a.m.

—Upon resuming.

Co-CHAIRMAN (*Senator Benidickson*): The second witness at today's hearing is Mr. J. D. Clark, Acting Superintendent, Prison for Women, Kingston, Ontario. I think most of the members of the committee present this morning actually did visit the Kingston Prison for Women on an unrecorded visit at which time they met Mr. Clark.

We have had testimony from some former officials of the Prison for Women at Kingston and, therefore, this is a follow-up in evidence.

Mr. Clark has a statement to make, a brief to present. This is always helpful to a committee. I do not think you need any further introduction, Mr. Clark.

Mr. J. D. Clark, Acting Superintendent, Prison for Women, Kingston, Ontario: Thank you very much, senator.

Honourable members of the Senate and House, may I state it is indeed a pleasure to appear before you today and to answer any questions you may have regarding the operation of the Prison for Women. Further to your visit of November 4, 1966, I felt some comments on the following areas would be informative and helpful to you in your deliberations. I shall make my comments in five major areas:

- (i) The operation as I found it on May 17th, 1966,
- (ii) policies and procedures implemented after May 17th, 1966.
- (iii) what the inmate training program of the Prison for Women has been and continues to be since May 17th, 1966,
- (iv) some current problems, including current allegations about the program, and
- (v) thoughts on the future of the Prison for Women.

OPERATIONS AS OBSERVED MAY 17, 1966:

At the commencement of my duties as Acting Superintendent for the Prison for Women, several obvious problems confronted me. First was the complete lack of discipline among the inmates, and a complete lack of respect and regard for staff. Both inmates and staff were tense and fearful, quite apprehensive, not knowing what to expect from one another. This situation appeared to be due to lack of direction to staff and inmates alike, as well as an inconsistent approach to discipline. This uncertainty and lack of direction was compounded by what appeared to be a lack of knowledge on everyone's part on communication between staff, and staff to inmates, and a lack of knowledge on the part of staff regarding lines of authority.

The "therapeutic community" was in fact no therapeutic community at all. It was a disorderly "full and irresponsible acting out of emotions" type of environment. The concept seemed to be that a treatment program consisted of, began and ended with, a classification department, and that other supportive training personnel, most especially the custodial staff and instructors and teachers, who had contact with the inmates the majority of the time, made no contribution to the rehabilitation process and were not to be trusted with knowledge of any sort or to be given credit for knowing anything about inmates.

The result of this disorderliness was, on the part of inmates, almost total chaos and, on the part of the staff, a lack of any morale or esprit-de-corps because they felt it was pointless to report anything because nothing would be

done about their reports, whether the reports were disciplinary or favourable department assessments.

Among the problems relating to inmate deportment was the lack of control of movement of inmates; that in, if an inmate felt like working an afternoon in the laundry, the next morning in the kitchen, the next afternoon in the sewing room, or if in fact she did not feel like working at all, this was quite all right and everyone moved as she saw fit within the institution. The custodial people could not have an accurate count of the population because they had no knowledge where anyone really was or why they might be wherever they happened to be. Inmates were leaving the institution on so-called gradual release outings without the custodial people being aware; but if the custodial people did try to find out who was going and why, they were told that this was a treatment matter. The result was that the main entrance of the institution was somewhat akin to the main entrance of Union Station.

Another factor that stood out in addition to the demoralized condition of the staff was the complete lack of staff training.

Perhaps most important was the complete lack of organization of the administration itself. For example, you had an Assistant Superintendent, Organization and Administration, dealing with inmate problems, a Deputy Superintendent with absolutely no authority in any area, and an Assistant Superintendent doing clerical work, instructors and custodial officers with no control over their inmates, Crown, capital stock, etc.

Another improper situation was the fact of girls checking themselves in and out of the hospital and segregation at their own will with no consultation or approval from the doctor.

Equally distressing was the absolute filth of the institution. These plus many other important but less outstanding problems called for immediate constructive remedial action.

POLICIES AND PROCEDURES IMPLEMENTED AFTER MAY 17, 1966:

The responsibility for all matters pertaining to inmates was turned over to the Deputy Superintendent. The responsibility for personnel, staff training and all staff matters generally was turned over to the Assistant Superintendent, Organization and Administration; and the Assistant Superintendent, Service and Supplies, began functioning as an executive service and supply officer.

A meeting was held with the inmates to impress on them the need for improved sanitary conditions, the need for their right to feel safe within the institution, and the need for greater control in order to ensure their own as well as the staff safety, and the need for this control if any type of an orderly rehabilitative or correctional program was to be implemented.

The inmates responded in two ways. Approximately 10 per cent of the hard core type of inmates reacted and set out on specific and deliberate acts of mischief to see how far they could go and what they could get away with. Other inmates—and this was the great majority—responded immediately and set about the task of making the Prison for Women a clean, habitable place where they could work and prepare themselves for their future. Many inmates worked late in the evening scrubbing floors, cleaning windows and painting rooms.

The incorrigible hard core inmates who involved themselves in deliberate infractions of the rules, met a strong and specific approach to discipline from the administration. However, the administration was not rigid in the approach to discipline, in that no standard punishment exists for a given type of offence. Inmates who committed offences, but who in turn became co-operative found their punishments quickly lifted and suspended.

As a matter of interest, a total of 648 days remission were forfeited in the six months prior to May 17, 1966 and a total of 665 days remission were forfeited

six months after May 17, 1966. Six months prior to May 17th, 1966, 10 girls were segregated whereas six months after May 17, 1966, a total of 12 girls were sentenced to segregation.

It has been alleged that bread and water became a common every day occurrence. Restricted diet, which consists of—and I might add that for the Prison of Women this was developed in consultation with Mr. La Ferriere, Director of Inmate Training—breakfast—hot beverage and toast; non meal—normal diet minus gravy, dessert and beverage other than water; supper—soup, toast and hot beverage, was used as a punishment on 8 occasions. Restricted diet was suspended in 4 of these cases. Since this initial testing of the will of the new administration, discipline has levelled out to the point where dissociation and especially restricted diet would be seldom and hopefully never required, i.e. from November 17, 1966 to February 14, 1967, a total of 220 days statutory remission was forfeited, no one was segregated for disciplinary reasons and no one was placed on a restricted diet.

A "pass system" to control inmate movement was introduced. Many people feel that this was an oppressive measure that would tend to infantilize the inmates. If this procedure were adopted as an oppressive measure I would agree. However, it was intended and is carried out to illustrate the necessity of punctuality and responsibility. For example, if they were employed in a department store, they would not come and go from their job as they saw fit; they would have hours of work to observe. It was in the hope of developing this sort of responsibility within the inmate that a pass system was regarded as essential.

A set of standing orders was developed for the guidance of the staff of the Prison for Women. These standing orders were not based on or patterned after those of any male institution. They were developed and objectively thought out for the Prison for Women.

Staff duty rosters were implemented whereby staff could tell for a month ahead what shift and what post they would be working on.

STAFF TRAINING SINCE MAY 17, 1966:

A total of twenty officers have attended courses ranging from Induction Training Courses to Methods of Instruction Technique Courses, Basic Administration to Advanced Administration Courses. Prior to May 17, 1966, only four persons in the entire history of the institution had attended courses at the Correctional Staff College.

The Assistant Superintendent (Organization and Administration) did a particularly magnificent job in developing In-Service Staff Training. A total of twenty-seven staff members have completed Basic Instruction Courses, and fifteen have completed Basic Relations Training Courses.

As well, an average of eighteen staff members attend weekly staff training lectures. These lectures have been given principally by Dr. Scott, Dr. McCaldon and other leading and outstanding persons in the correctional field. Prior to May 17, 1966, this procedure was nonexistent at the Prison for Women.

Although no specific action was taken to remedy the situation with regard to sick leave of staff, sick leave has definitely declined. In the six months prior to May 17, 1966, 401½ sick leave days were taken by staff and in the six months after May 17, 1966, 224 sick leave days were taken by staff.

The Prison for Women is now fully self-supporting with regard to personnel work.

The streamlining and improved efficiency of the Service and Supply Division is a measure that has yet to be achieved. While improvements have been made, we still have no officer who we can designate and who would have the time to be specifically responsible for sanitation and stores services. This is a

matter that is presently under review and I am confident that an adequate solution will be inaugurated in the very near future, hopefully by April 1.

In the Works area, we are in the process of making quite phenomenal progress. The buildings were quickly becoming very rundown in condition. With headquarters and regional support, we were able to obtain the services and assistance of a full time Works Officer who is directing satisfactorily and speedily a tremendous program to make the Prison for Women a more habitable institution. Specifically we have developed an area for the Works people to work in; we are currently in contract to develop a proper visiting area; we are currently in contract to build a new kitchen; we will shortly be in contract to develop a more modern hospital area; and medical facilities; and expect shortly to be in contract to develop a proper office area for professional and inmate training personnel. Those of you who visited the institution will remember the very deplorable conditions under which our people work.

In the Food Services section we are fortunate to have qualified and dedicated Food Service Officers. As a result, our food services are of a very high standard.

INDUSTRIES:

Whereas on May 17, 1966 the inmate count was 113 today the inmate count is in the mid-70's. Industrial production in spite of reduced numbers has increased to 17,504 units which certainly strongly indicates the inmates are not dissatisfied to the point of malingering; rather must be happy in what they are doing, and it appears we are going to have an increased production of 2,524 units in this fiscal year.

In the area of Accounting, the Prison for Women is fully self-sufficient.

THE INMATE TRAINING PROGRAM OF THE PRISON FOR WOMEN SINCE MAY 17, 1966. CUSTODIAL:

As a result of intense Staff Training, the direction of Standing Orders, and knowledge of lines of communication, our custodial staff is functioning at a very high level of efficiency. Our Correctional Officers are willing, capable and are trying to exert a positive influence on the girls who are in their charge.

The front barrier has been completely removed from the prison. The second and third barriers are in the process of being removed and will be replaced by electrically controlled doors.

RECREATION:

I believe our inability to have a full participation in a recreation program is not only the result of a small population, but the fact that the population consists of women of all age groups, varying social backgrounds and physical conditions. Thus to have a turnout of twenty-four younger girls out of a population of 70 to a basketball game or a "rock and roll" group is perhaps a good sign rather than an indication of a poor turnout when you consider that there are less than 30 young girls in the institution. Perhaps a turnout of 30 girls to a choir group out of a population of 70 is really not such a poor turnout when you consider that the 30 girls represent a total of approximately 40 of the middle-aged to older-age type of inmate. We have only one Recreation Officer which means that two days a week we do not have one. We definitely need a second one to have continuity in the recreation program.

A baseball team plays in an outside baseball league and a similar arrangement exists with a basketball league. Concert groups and entertainment groups are brought in as often as available.

I am a strong believer in a meaningful recreation program, be it participation or spectator in type. Many offenders learn how to work, but so many

continue to get into trouble because they have no knowledge or experience or understanding of how constructively to utilize their spare time.

ACADEMIC AND VOCATIONAL DEPARTMENT:

A very vigorous program exists in the school department. At the present time we have 15 students and 12 part-time students. In addition there are Department of Education Courses available from the Departments of Education in the provinces of British Columbia, Saskatchewan, Alberta and Ontario. We have a Vocational Training Beauty Salon in which five girls are currently involved and we have a Home Economics Cottage where Home Economics Courses are being continuously run.

One problem in the school area has been the lack of courses available for girls of French-Canadian origin. This is a problem that we have tried to remedy with the Quebec Department of Education. As far as I know, prior to May 17, 1966 no steps were taken by the administration to remedy this problem. I am currently quite optimistic that this situation will be remedied in the near future as a result of negotiations we are involved in with the Quebec Department of Education. Since May 17, 1966, we have taken specific and definite steps to improve the availability of proper reading materials to French-Canadian girls. For example, we now have a subscription to a French language newspaper. Special lecturers including French teachers come to the Prison for Women when available.

Through the Department of Northern Affairs, Indian girls have in addition to Department of Education courses special courses available to them if they wish to utilize them.

VISITING AND CORRESPONDENCE:

This is one aspect of the inmate training program that has been modernized and made more humane and is in the process of further relaxation and change. For example, prior to May 17, 1966, the process was to have a correctional officer sit at the table with the visitors and hear and take note of every word that was said. Now only general supervision is given to visits with surveillance to try and avoid the obvious hazard of contraband. We strive through censorship to ensure propriety as to the content of letters and to the type or calibre of person that the letters are going to and being received from; that these persons are members of the family or friends who likely or hopefully may have a positive influence on the future of the girl. Visits at a picnic table on the lawn are permitted during the summer. In the cases of girls who had children with Children's Aid or who had small children, special efforts were made to allow them to visit their family in a picnic setting in a local park.

With the assistance of regional headquarters and the penitentiary headquarters, we were able to obtain an establishment for two Visit and Correspondence Officers in order to have a meaningful program of keeping and sustaining contacts with their family and proper friends.

At Christmas time a total of five girls were allowed temporary absence to be with their families in Ontario and Quebec over Christmas and New Year's. With the permission of the Regional Director under section 26 (a) of the Penitentiary Act, another girl was allowed to spend 10 days with her family in Nova Scotia. Prior to May 17, 1966, only one girl was allowed temporary absence of this type. This temporary absence was authorized as a result of a very careful and thorough classification and visiting and correspondence screening process. After-care agencies where a girl was going to visit her family were contacted and we had their assurance that they would supervise, assist and guide the girl or her family in any way possible during the period of her temporary absence. This experience worked well and it is hoped that following the same procedures of selection and supervision this program will be continued at appropriate times.

As another example of the liberal and humane approach to visiting, a man came from the Province of Alberta with his four small children to see his wife. Rather than have the children visit in the devastating environment of the Prison for Women at such a formative time in their lives, the girl was allowed to go out under the escort of the Visit and Correspondence Officer to visit with her family for three consecutive days.

CLASSIFICATION DEPARTMENT:

Unfortunately the social worker and psychologist resigned. Their resignations were curt and brief, simply stating they were resigning with no reason given. To the detriment of the rehabilitation program of the institution and the good of the girls of the institution, they did not see fit to make their dissatisfaction known to the institution. Rather, they saw fit to make public statements after they left the institution. After their departure, we have carried on as best we could. Two clerical assistants in the department had had considerable training and experience from the former social worker. These two ladies were made Acting Guidance Officers. They are currently performing this function without extra pay. They are doing it in a very dedicated and thorough manner, and I am very grateful for their dedication to their responsibilities. I am in the process of requesting that these two ladies, because of the satisfactory manner they are discharging their responsibilities, be confirmed as Guidance Officers. I feel that our institution desperately needs a social worker. We also need a psychologist. I feel very strongly that these officers could function within the current setting of the Prison for Women without any hindrance to their professional ethics or the particular program or procedure they wish to pursue if they are of a mind to co-operate with and have the humility to acknowledge that other staff exist within the institution, most especially within the Inmate Training Division, and that these staff also contribute and must participate in the training and rehabilitation of the girls.

As a result of the lack of professional personnel, our classification processes have suffered, however, they are being carried on as best we can and are at least "satisfactory" and would qualify, I would say, with an average of C plus so far as the quantity and quality of our classification services are concerned. Fortunately, through regional headquarters, we have the availability of a person with a Masters Degree in Sociology, and another person with a Masters Degree in Psychology as consultants in extreme and emergency cases.

We currently have an orientation program for inmates which was not in vogue prior to May 17th, 1966. This orientation program is a very simple one. It is a program that will be expanded in a more meaningful manner when the works program at the Prison for Women is completed and more facilities for such a program are available as a result.

Prior to May 17th, 1966, no criteria was on record as existing for transfer to the new building. A criteria now exists and is handled exclusively by the classification board: (i) Is the inmate a first offender? (ii) Is she likely to make a reasonable effort to reform and participate in the program? (iii) What is her moral attitude to other inmates? and (iv) Does she appear to be mature and responsible enough to live in an honour type of environment without being obstructive or interfering with the self improvement of other inmates?

Our pre-release facilities in spite of lack of professional assistance from the classification department has expanded. Some dissatisfaction exists as to the thoroughness of this program.

Alcoholic Anonymous continues to function in the Prison for Women. Not on the meaningful level I would like to see it function but lacking professional guidance from the classification department, it is virtually impossible to have it on a plane other than it is now functioning on.

Parole reports and recommendations continue to be forwarded and there has been no hampering of our relationship with the National Parole Service and the number of paroles that are granted at the Prison for Women. As a matter of interest, since May 17th, 1966, a total of twenty five girls have been paroled from the Prison for Women. Since I compiled that paper, I believe the number has risen by one.

CO-CHAIRMAN (*Senator Benidickson*): Are you comparing it with anything else?

Mr. CLARK: No, that is just a general statement, sir.

RELIGIOUS SERVICES:

We are particularly fortunate to have the services of two fine and qualified men in the persons of Reverend Nickels and Father Flurey. The religious program at the Prison for Women while small, due to the small number of girls incarcerated, flourishes in a very meaningful and wholesome environment. Miss Ginny Dobson from Chalmers United Church, who is a Deaconess, comes in once a week and has an average attendance of seven girls at her discussion group.

CO-CHAIRMAN (*Senator Benidickson*): Is that Chalmers United, Kingston, or Chalmers United, Ottawa? ?

Mr. CLARK: Chalmers, Kingston.

In addition to Miss Dobson's activity, the Legion of Mary attend Catholic Mass at the Prison for Women, and outside citizens attend and participate with the choir in the Protestant Chapel at the pleasure of Reverend Nickels.

The Salvation Army visit the institution once a week and from time to time conduct special services.

PSYCHIATRIC SERVICES:

Psychiatric services at the Prison for Women have actually improved since May 17th, 1966, in that the psychiatrists routinely and systematically interview and assess every new admission, and treatment is recommended by the psychiatrist from there. We are hopeful that more of Dr. McCaldon's and Dr. Scott's time can be spent at the Prison for Women. Currently Dr. Scott attends at the institution one full day and conducts narco analysis treatment and electro convulsive shock treatment and Dr. McCaldon attends two one-half days per week. This makes the psychiatric coverage at the Prison for Women two full days per week, per approximately eighty inmates, whereas the civilian ratio is—and I would like to amend that figure from one to 10 psychiatrists per 1,500 patients at the Ontario Hospital. This was based on the Kingston hospital.

Senator FERGUSON: You say that Dr. Scott attends the institution one full day. Is that a week?

Mr. CLARK: Yes, senator.

MEDICAL SERVICES:

A very adequate and comprehensive medical service exists under Dr. Walker's direction with the aid of the facilities at the Canadian Forces Hospital at Barriefield. Specialists within the City are also available and utilized on a consulting basis as required. The procedure of only the doctor deciding who should be admitted to the hospital was also initiated.

CURRENT PROBLEMS:

Current allegations regarding the program at the Prison for Women.

1. The allegation that we are a rigid and dogmatic custodial regime.

I feel that our statistics quoted on page five regarding punishments six months prior to May 17, 1966, the punishments six months after May 17, 1966, and the punishments after November 17, 1966, suggest that initially we were no

more interested in punishment than the former administration and statistically we are currently an administration who are two-thirds less interested in punishment than the former.

Our efforts to remove barriers and erect civilized doors suggest that we have a more reasonable and humane approach to custody.

Our approach to improving the physical facilities of the institution suggests that we are also interested in providing a more humane and habitable environment than was formerly the case.

2. The allegation of interference from Regional Headquarters is asinine, ludicrous and absolutely without foundation. On the contrary, without the assistance I have received from this area, the Prison of Women would still be in the condition it was in on May 17, 1966. For example: (a) Is allowing a girl to go to the Maritimes on ten days temporary absence with her family at Christmas the result of rigid regional interference and grinding the program to a halt?

(b) Is appointing a works officer to supervise and carry out an extensive works program to provide visiting facilities, new food service facilities, proper and habitual office and working space for professional people, improving hospital facilities measures of oppressive interference from regional or penitentiary service headquarters?

(c) Is allowing the citizens participation program to expand an indication of oppressive interference from regional or penitentiary service headquarters?

(d) Is allowing more than one agency to provide expanded pre-release facilities, an indication of oppressive regional and penitentiary service headquarters interference?

(e) Is planning and developing and giving full assistance and support to equipping and staffing a Community Release Centre an indication of oppressive and unreasonable interference from regional and penitentiary service headquarters?

(f) Is extending the period of time that a girl can remain out of her cell from ten to eleven p.m. at night the result of a rigid custodial regime?

(g) Is changing the meal hours from 11:30 to 12:00 noon and from 4:30 to 5:00 p.m. the result of a rigid custodial regime?

(h) Is initiating an induction orientation course for newcomers, a proper selection procedure for the new wing, and earned remission and remuneration boards, the result of a rigid custodial regime?

3. Is allowing five girls to visit their families at Christmas and New Years the procedure of a rigid custodial regime?

4. Is developing staff training involving professional people in the staff training the result of a rigid custodial regime?

5. Is developing a set of standing orders to provide guidance and continuity to the procedures of staff of a female prison not common sense rather than the action of a rigid custodial regime?

The examples and statements of our procedures and policies are fact. They have been achieved with the loyalty and assistance of the staff. They are not the acts and procedures of a rigid custodial regime. They are, rather the acts and procedures of an orderly and objective Correctional Institution.

I feel the foregoing illustrations make the allegations surrounding the Prison for Women nothing less than ludicrous.

6. Is allowing participation of outside Sports Groups in the Recreation Department the procedure of a rigid custodial regime?

7. Is allowing a Family Day where approximately sixty members of girls families from Quebec and Ontario were permitted to attend Church, have lunch with, and visit during the afternoon Concert, the program of a rigid custodial regime?

8. I contend that the professionals who resigned since May 17th, 1966, were the ones who were rigid and unwilling to compromise. Have the psychiatrist, the nurses, the school teachers been in any way "strangled" since May 17, 1966?

9. The personnel who resigned claimed that the Standing Orders were a set of Standing Orders for a men's institution. I doubt that they have ever read Standing Orders for a male institution; certainly they had never seen a set of Standing Orders for a female institution before and, therefore, had absolutely no means to draw any conclusion whether the Standing Orders were good or bad.

10. You will see from the example of what a restricted diet consists of on page five that restricted diet is really not particularly restricted and not "an everyday occurrence" at the Prison for Women and is in fact a most unusual occurrence.

11. The matter of the allegation of interference with mail is nothing less than an insult to the integrity of all persons involved in the administration of the Prison for Women. We have not permitted and would never interfere with anyone's personal mail that might happen to come to the Prison for Women. I feel that whoever the incumbent of the position of Superintendent of the Prison for Women may be has a right to know and must be informed as to what is going on by way of treatment and involvement with outside agencies. Otherwise treatment and pre-release activity can be at odds with institutional problems and operations.

12. The allegation of being forbidden to phone the Psychiatrist is absolutely without truth. The members of the classification were and continue to be free to communicate with the psychiatrists at and of their own free will. The improper procedure was being observed at the Prison for Women where the Social Worker and the Classification Clerks were phoning the Psychiatrist for medication for girls. This, the doctors and the Director of Medical Services for the Penitentiary Service agreed was a totally improper procedure, that a non-medically oriented person could transmit a prescription incorrectly and the only person who should take a prescription from a doctor or psychiatrist was the registered nurse on duty and it was for this purpose and for no other purpose that the social worker was directed not to call the psychiatrist.

13. At least two female senior members of the Prison for Women staff participate in all staff selection boards.

14. Some of the allegations regarding neglect of French Canadian and Indian girls have some minor basis of foundation, and should be a cause of concern to this committee and to the Penitentiary Service. Certainly it is a source of concern to me. I would like to see a French-Canadian on the staff of the Prison for Women with professional status in one of the behavioural sciences. I would also welcome an employee with professional standing whose racial origin was Indian.

15. Regarding the allegation that our pre-release facilities have deteriorated and degenerated, are specific plans for the Community Release Centre, plans which are on the verge of fruition, an indication of a deteriorating attitude to pre-release? At the Prison for Women we believe that the pre-release period is the most important period in any inmate's incarceration and is deserving of the greatest attention and effort on the part of penitentiary staff. The program has been sustained in an adequate fashion and will be expanded and carried out in the Community Release Centre setting.

16. Saving the most controversial allegation to the last, that of the sexual gender of the incumbent of the position of Superintendent of the Prison for Women, I feel that the person who occupies this position must be a person who has a knowledge of human behaviour, who is a humanitarian at heart but is capable of listening to both sides and all aspects of any problem or conflict, and

reach a specific conclusion that will have the end result of hopefully improving the future of the the offenders incarcerated in the institution. These decisions must not disrupt rehabilitation programs and not jeopardize the safety of staff or inmates. Such a person must have the courage of his or her convictions and the ability to stand by his or her convictions and decisions even under extreme stress and duress.

SOME THOUGHTS ON THE FUTURE OF THE PRISON FOR WOMEN:

With all types of offenders in the same institution participating in or hampering the same program, all types of incidents and situations are bound to occur from time to time. This fact combined with the treatment needs of the offenders makes the first and most important need for the future, the new Correctional Institution for Female Offenders. Proper facilities do not make a good institution or program. However, the sooner the archaic architecture of the Prison for Women is phased out, Canadian corrections and Canadian society will be better off. Secondly, I feel the program of the new institution must essentially be treatment oriented based on medical and psychiatric services, intensive academic and vocational programs and group and individual counselling concluded by professionally supervised pre-release activity.

The staff carrying out the rehabilitation program should be professional people and/or people trained and directed by professionals. The administrative staff and supportive service staff must also be experts in their respective fields.

May I conclude and sum by by stating that since I was asked to assume the responsibilities of Superintendent of the Prison for Women, I have endeavoured to fulfill these responsibilities in keeping with the rehabilitative needs of offenders incarcerated at the Prison for Women. Perhaps in a year's time we can assess more adequately the results of our program. A definite sign that our program is bearing fruit is the levelling out of disciplinary problems, staff and inmate morale (including a 44 per cent decline in the incidence of staff sick leave). The activity of the remaining professional staff at the Prison for Women suggests that the current environment is one that professional personnel can function in effectively and without interference. (Including part time personnel, we have a total of fifteen employees with various professional status.)

Our experience to date also suggests that the Prison for Women is functioning more efficiently with the assistance of Regional and Penitentiary Headquarters and is not in any way impeded by them.

Another scientifically validated point that strongly suggests that we are functioning more effectively, is Mr. D. Akman's study on Homicides and Assaults in Canadian Penitentiaries in volume 8, No. 4, dated October, 1966, of the Canadian Journal of Corrections. This study verifies an incidence of assaults by inmates on the staff at the Prison for Women as 4.9 per cent, the highest incidence of assault of any institution in Canada for the period of 1964, yet since May 17th, 1966 we have only had one assault on a staff member.

Honourable Members of the committee, I thank you for your time and attention and the opportunity to present my views to you. I would be happy to answer any questions you may have at this time.

Co-CHAIRMAN (*Mr. Watson*): Thank you very much, Mr. Clark. I would ask the members of the committee to be as succinct as possible in their questions, and to refrain from making statements. We are very short of time. Will you proceed, Mr. Winch?

Mr. WINCH: Mr. Chairman, I am certain the committee is very happy to have this up to date report on the Prison for Women from the time when Mr. Clark took over.

On page 17, Mr. Clark, you say this:

The allegation of interference from Regional Headquarters is asinine, ludicrous and absolutely without foundation. On the contrary, without the assistance I have received from this area, the Prison for Women would still be in the condition it was in on May 17th, 1966.

I am puzzled about this—really puzzled. Since I transferred from the provincial legislature to the federal house in 1953 I have upon a number of occasions visited the Prison for Women at Kingston. All through your brief you have enumerated what you have been able to do, and the things you have received. What puzzles me is this: From 1953, shall I say until May 17, 1966 when I visited the womens' prison, those in charge pointed out to me the changes they wanted, including to a great extent—I am going to say about 80 per cent of that which you have kept and documented, their recommendations and their requests. But they said they were unable to proceed because they could not get the authority or the money through to do it. Now, I am making that as an absolute statement. Will you, then, understand why I am puzzled as to how it is these almost identical changes were required prior to May 17, 1966 that the cooperation has been forthcoming to get them done now years after they were recommended prior to May 17?

Now, I am not going to speak about the doors or office, because I assure you over the years people brought this to my attention when I was there. But when I went there on two occasions the Government had spent a lot of money on the equipping of a room for training of girls in hairdressing, beauty treatments, and so on. The Ontario government had cooperated with the training. They would have accepted the licencing professional certificate. But on both occasions, not you. Why? Because they couldn't get the money for the instructor. Now you have it. They made application and couldn't get it. Can you explain my puzzlement on this change?

Co-CHAIRMAN (*Mr. Watson*): If I may intervene. You have made a very good point. Mr. Winch; but I am wondering if the witness is competent to answer that, and if it should not be answered by the regional director?

Mr. WINCH: I am taking his brief on what he has been able to accomplish.

Mr. CLARK: I cannot answer your question, Mr. Winch; but could I attempt to answer it in this way, that up to about 3.30 p.m. on May 17, 1966, the Prison for Women was the last institution on the face of the earth, I might say, to be on my mind, or in my thoughts. I do not say that in any way to avoid what is the obvious comparison or point you bring out.

As Mr. Watson has stated, this is a question that would have to be answered by someone of the status of the regional director, or the commissioner, or deputy commissioner. All I can say is, this is the measure of cooperation I have received from these senior officials. Why or if this cooperation was or was not extended is something I very honestly have no knowledge of, because it was at the time absolutely of no concern to me.

Mr. WINCH: One other question, and this intrigues me a bit. My visit was for just a few hours, and you cannot change an institution in a few hours. I never just went where they wanted me to go or to show me, I went where I wanted to go. I went into the womens' dormitory, the kitchen, and didn't find what you emphasized, this filth.

Mr. CLARK: This was a very strong point of major concern to me; it was very, very obvious.

Mr. WINCH: In the womens' dormitories?

Mr. CLARK: In the institution generally.

Mr. WINCH: You must have done some fine cleaning before I arrived. That is all, because I know there are so many questions from others.

Co-CHAIRMAN (Mr. Watson): Mr. Matheson is next.

Mr. MATHESON: Mr. Winch spoke of his trips to this institution. I am disturbed by the very defensive attitude in your brief. Everything you say, is encouraging. I must say that I share Mr. Winch's view that with the limits of what was available, what was done by the people in the past was very good. Obviously you have been subjected to pressures both by good people who have resigned, and also good people in Kingston who were doubly loyal, and perhaps very much personally involved. To what extent, sir, now are you endeavouring to cooperate with that community in Kingston? Over the years I think that exercise is very beneficial and helpful interest in penology, and particularly in womens' prisons.

Mr. CLARK: May I state in answer, Mr. Matheson, that because, as you have put it, the defensive nature of my brief, the air was really not very clear between this community and my administration.

Mr. MATHESON: I quite understand that.

Mr. CLARK: I do feel that I would say within the last four to six weeks the air has cleared immeasurably. This community activity may have been with more administrative blessing than it was before and thereby, from your point of view, was impeded. However, I felt that as acting superintendent it was imperative, and no one had more right to know what was going on than I should have.

Now that I have a little more experience with female offenders and hopefully understand them much better than I did on May 17, with this local community I think I have almost full agreement, we can sit down in my office over a cup of tea, and a few cakes I can swipe from the steward, and have some very good and objective discussions, and I am sure that the positive influence this community exerted on rehabilitation and corrections in the Prison for Women will be continued, and I hope developed.

Mr. MATHESON: I remember at different times Isabel Macneill venturing the hope that Beaver Creek, or some institution of that type, which had wide open spaces and pleasant surroundings, and so on, might be a sort of half way house from the closest custodial conditions of that Victorian atmosphere, and that there might be ultimate parole or release. Is there a chance that in your program you can go one step further and arrange as soon as possible that girls will get out of the institution in Kingston to a place where they can perhaps learn to adjust to a normal outside life?

Mr. CLARK: Well, may I state that your question is a loaded one to such a lowly public servant as myself. I think that this is perhaps one of the questions of policy that this committee should give the penitentiaries service. Certainly I feel that our efforts with the community release centre is a very strong step in this direction. How far the Canadian public is prepared to go with this, I do not know. Certainly there are legal limitations on what I can do by the Penitentiaries Act. I just cannot turn a girl out to go to school. It might be a good idea, but I would be derelict in my duty if I allowed this under the Penitentiaries Act. Through the parole service—

Mr. MATHESON: It has always seemed to me that it was sort of anomaly that men under certain circumstances had much less rigid custodial care under penitentiary service than was afforded to the women. Probably this was to be explained by the fact that you have always had so very few people under federal custody, I think approximately as many now, in spite of our population, as we had when Canada was brought into being at Confederation. My thought was that there should be, as an adjunct, if you like, some miles away from the prison, a minimum security institution where girls might be employed productively but would still be under your care.

Mr. CLARK: I think this is the plan. The Solicitor General has appointed a committee to plan both the type and program of a new institution for female offenders. I am sure the philosophy that I know is yours will be incorporated in this institution.

Senator FERGUSON: First, I would like to say that although we met Mr. Clark when we visited the Prison for Women, and he was most kind and pleasant to all of the committee, no one introduced him except as being the superintendent of the prison. Here no one has said anything about his background. I really would like to know what experience he had prior to receiving this appointment, and what his educational qualifications are.

I also would like to say right now that I find the brief, which is extremely interesting to me, far too voluminous for me to sit down and analyze it. Not having had a previous opportunity to read it, I really am not ready to ask questions now. It may be that some of the committee are so good they can do this instantly, but I am not able to do that. There are many things I would like to ask about but I am not prepared to ask them right now.

Co-CHAIRMAN (*Senator Benidickson*): I have this impression, too. It is five minutes to one. I have not seen the brief prior to our attendance here. However, I do think that I share your impression that when we visited Mr. Clark at the institution we found him completely non-committal at that time. He suggested that we simply roam around and make up our own minds, as he told the members of the committee. I do not think he had any personal comments to make, whatsoever.

I find that some of his comments now, after several months of time—I admit that he has more experience, he does take a more assertive position with respect to the women's institution, the one and only we have, except the narcotic institution.

Further, would it be possible to have Mr. Clark come back and enable us to look at this document. Mr. Clark, I thought you were extremely diplomatic and perfectly correct when we visited your institution. You made no comments of prejudice one way or another. But now you assert that certain things have happened since May of 1966.

Co-CHAIRMAN (*Mr. Watson*): My own impression, after reading this brief through today as it was being read, is that the place at Kingston is perhaps more efficient than it is now, but I do not think I am convinced, and I do not think other members of the committee are convinced, that efficiency is necessarily synonymous with rehabilitation.

I think we have all the details we need in this brief and when we sit down to write our report I think we will deal with them. We are going to consider the brief and the evidence in it and Mr. Clark has stated the position fully.

Senator FERGUSON: I think we should be able to question him. The last time I visited Kingston prison for women, before the committee went there in 1966, was in July 1965. A lot of things have happened between July 1965 and May 1966, but it certainly was not filthy at that time.

Co-CHAIRMAN (*Senator Benidickson*): Mr. Co-Chairman, it is your day to proceed, but I am looking at the clock. We have been unduly hard on our reporting and translation staff in this committee, by extending our committee meeting a little longer than some other committees do. Could we not ask Mr. Clark to come back?

Co-CHAIRMAN (*Mr. Watson*): I wonder if an alternative suggestion might be acceptable, that before we make a report on the women's prison, that we visit it and perhaps at that time we could ask Mr. Clark some more questions. Before we write a report on that prison, I think we should go there again.

Senator FERGUSON: I think we should certainly do some investigating.

Co-CHAIRMAN (Mr. Watson): We are not going to have a chance to do this until after Parliament prorogues and the new session starts.

Mr. WINCH: Have you any information on prorogation? If so, I would like to have it.

Senator FERGUSON: Could I have an answer to the question I have put?

Mr. CLARK: I attended high school in Ontario, graduated from the Western Ontario Agricultural School. Following graduation, I had limited extra-mural courses in psychology and commerce.

Senator FERGUSON: Where did you take them?

Mr. CLARK: At Queen's. Following my appointment in the penitentiary service in 1956, I did administrative duties in 1957, I was appointed a classification assistant in 1958, I was appointed a classification officer in 1960, I was transferred from Kingston penitentiary to Joyceville Institution; and in 1963 I was appointed assistant deputy warden, inmate training, at Joyceville, which position I thoroughly enjoyed up until my appointment at the Prison for Women.

Senator FERGUSON: Mr. Clark, what is the number of your staff?

Mr. CLARK: Very honestly or very specifically, senator, I am sorry I cannot answer that; but I believe it is in the low seventies. I will be pleased to give you a definite figure.

Senator FERGUSON: Has it increased since you took over?

Mr. CLARK: There is an increase in numbers but a very slight increase in establishment. For example, there were four correctional officers 4 positions on the establishment that were not filled. I have been able to have three of those filled, which of course would mean an increase in numerical strength.

Actually, of our correctional officer 2, for some reason unknown to me and which I did not really see fit to argue about, the correctional officer 2 strength was increased, I believe, by two.

We were given an additional supernumerary position, of a classification officer, which was filled. We were given two visiting and correspondence officer positions.

Mr. WINCH: But you no longer have an narcotic addicts majority now?

Mr. CLARK: No.

Mr. WINCH: But the number is almost the same now, even though the narcotic addicts are now away?

Mr. CLARK: That is true.

Senator FERGUSON: As to the increase in the number of your staff, are they mostly custodial staff?

Mr. CLARK: No, the increase would be—

Senator FERGUSON: Is a high proportion of that custodial?

Mr. CLARK: No, the only actual increase in staff establishment was two visiting correspondence officers, which in my terminology would be inmate training personnel, and one personnel records clerk and a classification officer.

Senator FERGUSON: Had those positions been set up before you went there?

Mr. CLARK: No, no.

Senator FERGUSON: You had them set up yourself?

Mr. CLARK: I am not saying they were not asked for before that. Perhaps, or probably, they were. I do not know.

Senator FERGUSON: This is what I understand. When I had been in touch with them, I understood there was an urgent request for additional staff—not for additional custodial staff but for additional other correctional staff, and that they

were just refused, or not filled at all. I wonder if those positions had been set up and they could not find people; or if you had those positions set up and you asked for them and got them.

Mr. CLARK: Here again, senator, I think the same answer lies.

Senator FERGUSON: I know you cannot answer that. I just wanted to know. I was given to understand there had been really large increases, say an increase of 20 or 30 staff members, despite the fact that some of them no longer had to carry on, on account of Matsqui.

Mr. CLARK: As I said, I do not have the definite numbers on hand, but the custodial establishment was there. It was not filled.

Senator FERGUSON: Could we have a statement, then, showing what staff has been added since you took over?

Mr. CLARK: I would be very happy to give you one.

Senator FERGUSON: Something else interested me. You said in your brief that you made up standing orders for the Prison for Women that were not the same as the orders for the region. Is it possible for us to have a copy of those orders?

Mr. CLARK: Yes.

Co-CHAIRMAN (*Senator Benidickson*): Could we have a summary of the differences also?

Mr. CLARK: Yes. I will do my best, senator. It is no small task, but I will be happy to try.

Senator DESCHATELETS: Can you tell me how many French girls you have in the institution right now?

Mr. CLARK: Here again I cannot answer that accurately, senator.

Senator DESCHATELETS: I presume they were sentenced in Ontario? This is the reason why they are there?

Mr. CLARK: No. We receive girls from all over Canada, and I would hazard that we have approximately 18 girls who are French Canadian, though not necessarily from Quebec.

Senator DESCHATELETS: They are not necessarily residing in Quebec? That is what I meant.

Mr. CLARK: No.

Co-CHAIRMAN (*Senator Benidickson*): Senator Deschatelets, this is the one institution, except for the narcotics institution in British Columbia, dealing with female convicted people. This was asked by a great number of people on our delegation which went to the institution.

Senator DESCHATELETS: This, of course, creates a problem, because Mr. Clark mentioned this in two instances in his brief. Perhaps I can go into this question later on.

Co-CHAIRMAN (*Senator Benidickson*): This was done verbally, when we were in Kingston on a visit. The same question was asked with respect to the Indian population which had an undue proportion.

Mr. WINCH: Most of them were narcotics, though. There were not really that many, were there?

Mr. CLARK: We have only five Indian girls at the present time.

Co-CHAIRMAN (*Senator Benidickson*): May I take out the word "undue"?

Mr. CLARK: No, I think this is still a cause of concern.

Co-CHAIRMAN (*Mr. Watson*): Members of the committee, with your permis-

sion, we will leave to the steering committee the question of Mr. Clark's coming back or of our going down to Kingston.

Co-CHAIRMAN (*Senator Benidickson*): I would like to extend my thanks to you, Mr. Clark.

The committee adjourned.

APPENDIX "4"

556 Johnson Street,
Kingston, Ontario,
February 24, 1967.

Mr. Patrick J. Savoie,
Clerk of the Committee,
Special Joint Committee on Penitentiaries,
The Senate,
Ottawa, Ontario.

Dear Mr. Savoie:

In accordance with the request of the Joint Committee, I am submitting recommendations of immediate steps that could be taken in connection with the Prison for Women. As background to my recommendations I would like to suggest that the needs to be met are:

(1) A statement of policy specifically concerning women offenders, coupled with the appointment of a person directly responsible to the Commissioner of Penitentiaries for the planning, policy, etc. for women offenders;

(2) Selection of a Superintendent and Deputy Superintendent of *similar attitudes and training*. As rehabilitation is the stated aim of the program, the training of this pair, not just one but both, should include considerable background in the behavioral sciences;

(3) Re-assessment of staff selection and staff training methods; and

(4) Development of co-ordinated research projects. Research needs co-ordination from the top so that medical, psychological and sociological consultants help guide the general direction and extension of research in the Canadian Penitentiary Service. Such development would facilitate university research in conjunction with the Service as well. If a suitably sized research department were in operation for the Canadian Penitentiary Service as a whole, it would be useful to have one person whose attention could be focussed more specifically on the woman offender.

I recommend the following as immediate steps and I shall enlarge on each of them separately:

(I) Place all federal female offenders in one institution;

(II) Appoint Mrs. Patricia Spence as Superintendent of the single institution; and

(III) Adapt staff training to the specific needs and purposes of the institution.

I. Placing all federal women offenders in one institution

The major disadvantages of retaining two separate institutions for women at the present time are:

(1) difficulty in recruiting professional personnel and senior administrative staff for two institutions; and

(2) the inefficiency in terms of ratio of staff to inmates and resultant cost of two institutions where one has a total of 25 inmates and little prospect of reaching even 50 inmates in the near future. Population of Matsqui in July, 1966 was 14 women inmates. In 7 months it has only increased to 25 women inmates.

The high ratio of staff to inmates is unfortunately not in a position to be used effectively. In the first place for the functioning of the institution, Matsqui

cannot open the intensive unit known as the Pilot Treatment Unit until there are a minimum of 30 inmates in the main women's unit. Secondly, in both institutions there are insufficient professional personnel to develop a sound training program for the staff who are predominantly correctional officers. The Staff Correctional College courses are not designed for such training either.

The combining of the programs would enable the use of both group and individual treatment techniques.

Until the new Prison for Women is built, the temporary headquarters of a single institution would presumably be either the present Prison for Women or Matsqui. I offer these as some of the relevant considerations with regard to each.

Matsqui:

Advantages:

1. New building with good facilities for handling up to 150 women.
2. Male supporting staff available:
 - psychologists: clinical and research oriented
 - psychiatrist
 - group counsellors

Disadvantages:

1. Location is poor:
 - 70 or more inmates would require transfer in addition to staff.
 - Visits would be impossible for a greater proportion of inmates.
 - Pre-release program and after-care would be hampered by the distance from Vancouver and the as yet insufficient development of after-care agencies and parole service in the Vancouver-Abbotsford area to cope with the increase in numbers that would occur.
2. The educational and vocational training program and staff are limited at the present time.

Prison for Women:

Advantages:

1. Location is good:
 - It is probably fairly near to the location of a new Prison for Women.
 - Fewer transfers of staff and inmates would be required.
 - Visits would be possible for a greater proportion of inmates.
 - Better facilities are available for a pre-release program, and after-care is more readily available.
2. Supporting staff available:
 - 2 part-time psychiatrists
 - proximity of Queen's University
3. The educational and vocational training program and staff are better than at Matsqui.

Disadvantages:

1. The building is unsuitable, although it can accommodate the numbers involved.
2. There is less preparation for emphasis on groups used at Matsqui.
3. At present there is a lack of supporting professional staff such as social workers and psychologists.

II. Appointment of Mrs. Patricia Spence as Superintendent

Mrs. Spence has background training and experience for the position. During the past 6 months she has had the opportunity of implementing a new program on a smaller scale at Matsqui. She or any other appointee should have considerable voice in the selection of a Deputy Superintendent of the combined institution. In line with the need for Superintendent and Deputy Superintendent

to have similar training, pay for the Deputy Superintendent should be commensurate with the professional training salary scale for the Canadian Penitentiary Service if the latter is greater than the present scale for Deputy Superintendents.

III. Staff Training adapted to the specific needs and purposes of the institution

(1) The administrator for women offenders, the Superintendent and Deputy Superintendent should conduct the staff training within the institution with particular emphasis on the following group of staff: nurses, educational and vocational training staff, industrial department heads, senior correctional officers, classification officers, and potential counsellors.

(2) Professional group counselling consultation should be available either from within the Service or from part-time consultants from the university. Regular ongoing supervision of group counsellors is essential.

(3) The administrator for women offenders should be responsible, in conjunction with the person responsible for the Staff College curricula for correctional officers, for the development of an integrated training program for the staff of the female institution. Until this can be accomplished, it would be advisable to restrict the courses attended to those of administrative functions and the course on interviewing techniques (i.e. I recommend in particular that the courses for correctional officers not be attended, but inservice training in the institution conducted by the Superintendent and Deputy Superintendent be substituted for them).

Implementation of such changes in correctional programs and the development of staff training programs specifically geared to the woman offender have been instituted elsewhere. The most readily available consultant with regard to such a program is Miss Aileen Nicholson, Administrator of Adult Female Institutions, Department of Reform Institutions, Province of Ontario.

Yours sincerely,
(Miss) Margaret Benson



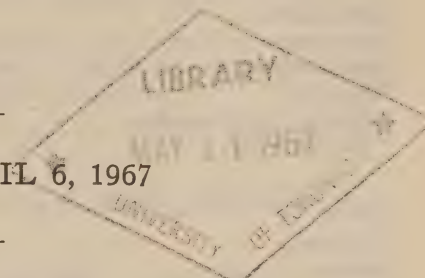
First Session—Twenty-seventh Parliament

1966-67

PROCEEDINGS OF
THE SPECIAL JOINT COMMITTEE OF THE SENATE
AND HOUSE OF COMMONS ON
PENITENTIARIES

No. 9

THURSDAY, APRIL 6, 1967



JOINT CHAIRMEN

The Honourable Senator W. M. Benidickson, P.C.

and

Ian Watson, M.P.

WITNESSES:

- (1) *LaPierre, Litchfield & Partners, Architects, New York*: Clarence B. Litchfield, AIA, Architect.
- (2) *Canadian Penitentiaries Service*: A. J. MacLeod, Commissioner; I. B. Simpson, Facilities Planning Officer.

APPENDICES:

- No. 5—List of correctional work made by the firm of LaPierre, Litchfield & Partners, Architects.
- No. 6—Statement by Miss Isabel Macneill, Toronto, Ontario.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

THE SPECIAL JOINT COMMITTEE OF THE SENATE AND
HOUSE OF COMMONS ON PENITENTIARIES

Joint Chairmen

The Honourable Senator W. M. Benidickson, P.C.

and

Ian Watson, M.P.

The Honourable Senators

Benidickson,
Cameron,
Deschatelets,
Fergusson,
Fournier (*Madawaska-
Restigouche*),

Inman,
Irvine,
O'Leary (*Carleton*),
Prowse.

Messrs.

Aiken,
Allmand,
Dionne,
Fulton,
Lachance,
Matheson,
McQuaid,
Prud'homme,

Ricard,
Rochon,
Stafford,
Tolmie,
Watson (*Châteauguay-
Huntingdon-Laprairie*),
Winch,
Woolliams.

(Quorum 10)

ORDER OF REFERENCE

(House of Commons)

Extract from the Votes and Proceedings of the House of Commons, Tuesday, March 15, 1966.

Mr. Pennell, seconded by Mr. McIlraith, moved,—That a joint committee of the Senate and House of Commons be appointed to consider the state of penitentiaries under the control of the Government of Canada and the plans of the Government in relation thereto with powers to report from time to time its observations and opinions thereon; send for persons, papers and records; adjourn from place to place; sit during sittings of the House; and print from day to day such papers and evidence as may be ordered by the committee, and that Standing Order 66 be suspended in relation thereto;

That 15 Members of the House of Commons, to be designated at a later date, act on behalf of the House as Members of the said committee; and

That a message be sent to the Senate requesting that House to unite with this House for the above purpose, and to select, if the Senate deem advisable, some of their Members to act on the proposed joint committee.

After debate thereon, the question being put on the said motion it was agreed to.

Extract from the Votes and Proceedings of the House of Commons, Tuesday, March 22, 1966.

On motion of Mr. Pilon, seconded by Mr. McNulty, it was ordered,—That a Message be sent to the Senate to acquaint Their Honours that this House will unite with them in the formation of a Joint Committee of both Houses to consider the state of Penitentiaries under the control of the Government of Canada and that the Members to serve on the said Committee, on the part of this House, will be as follows: Messrs. Aiken, Allmand, Dionne, Fulton, Lachance, Macdonald (*Rosedale*), Matheson, McQuaid, Prud'homme, Ricard, Stafford, Tolmie, Watson (*Châteauguay-Huntingdon-Laprairie*), Winch and Woolliams.

LÉON-J. RAYMOND,
Clerk of the House of Commons.

ORDER OF REFERENCE

(Senate)

Extract from the Minutes and Proceedings of the Senate, Wednesday, March 23, 1966.

Pursuant to the Order of the Day, the Senate proceeded to the consideration of the Message from the House of Commons requesting the appointment of a Special Joint Committee of the Senate and House of Commons on Penitentiaries.

The Honourable Senator Connolly, P.C., moved, seconded by the Honourable Senator Hugessen:

That the Senate do unite with the House of Commons in the appointment of a Joint Committee of both Houses of Parliament to consider the state of penitentiaries under the control of the Government of Canada and the plans of the Government in relation thereto, and to report from time to time its observations and opinions thereon;

That nine Members of the Senate, to be designated at a later date, act on behalf of the Senate as members of the said Joint Committee;

That the Joint Committee have power to send for persons, papers and records; to adjourn from place to place; to sit during sittings and adjournments of the Senate; to print from day to day such papers and evidence as may be ordered by the Joint Committee; and

That a Message be sent to the House of Commons to inform that House accordingly.

The question being put on the motion, it was—

Resolved in the affirmative.

Extract from the Minutes and Proceedings of the Senate, Tuesday, March 29, 1966.

With leave of the Senate,

The Honourable Senator Beaubien (*Provencher*) moved, seconded by the Honourable Senator Macdonald (*Cape Breton*):

That the following Senators be appointed to act on behalf of the Senate on the Joint Committee of the Senate and House of Commons to consider the state of penitentiaries under the control of the Government of Canada and the plans of the Government in relation thereto namely, the Honourable Senators Benidickson, Cameron, Fergusson, Fournier (*Madawaska-Restigouche*), Gouin, Inman, Irvine, O'Leary (*Carleton*), and Prowse; and

That a Message be sent to the House of Commons to inform that House accordingly.

The question being put on the motion, it was—

Resolved in the affirmative.

J. F. MacNEILL,
Clerk of the Senate.

MINUTES OF PROCEEDINGS

THURSDAY, April 6, 1967.

Pursuant to adjournment and notice, the Special Joint Committee of the Senate and House of Commons on Penitentiaries met this day at 10:00 a.m.

Present: For the Senate: The Honourable Senators Benidickson (*Joint Chairman*), Fournier (*Madawaska-Restigouche*) and Irvine—3.

For the House of Commons: Messrs. Watson (*Châteauguay-Huntingdon-Laprairie*) (*Joint Chairman*), Allmand, Lachance, McQuaid, Ricard, Stafford, Tolmie and Winch—8.

In attendance: Professor Ronald R. Price, Special Assistant.

Mr. Clarence B. Litchfield, AIA, of the firm of LaPierre, Litchfield & Partners, Architects, 8 West-40th Street, New York 18, U.S.A., was heard.

On motion duly put it was agreed that a list of correctional work made by the firm of LaPierre, Litchfield & Partners should be printed as Appendix No. 5 to these proceedings.

At 12:45 p.m. the Committee adjourned.

At 3:30 p.m. the Committee resumed, at which time a quorum was present.

Mr. Litchfield was further questioned.

The following witnesses were also heard:

Canadian Penitentiaries Service: A. J. MacLeod, Commissioner; I. B. Simpson, Facilities Planning Officer.

A statement submitted by Miss Isabel Macneill is printed as Appendix No. 6 to the proceedings.

At 5:55 p.m. the Committee adjourned to the call of the Joint Chairmen.

Attest.

Patrick J. Savoie,
Clerk of the Committee.

THE SENATE

SPECIAL JOINT COMMITTEE OF THE SENATE AND HOUSE OF COMMONS ON PENITENTIARIES

EVIDENCE

OTTAWA, Thursday, April 6, 1967.

The Special Joint Committee of the Senate and House of Commons on Penitentiaries met this day at 10 a.m.

Senator W.M. Benidickson, P.C., and Ian Watson, M.P., (Chateauguay-Huntingdon-Laprairie), Co-Chairmen.

Co-CHAIRMAN (*Mr. Watson*): Senators, members, we are very pleased to have with us this morning as our sole witness Mr. Clarence B. Litchfield, A.I.A.

Mr. Litchfield graduated from the University of Pennsylvania with a Bachelor of Architecture in 1928. He has taken advanced study in England, France and Italy. He joined his architectural firm in 1926 and became a principal in 1930. He is a registered architect in Maryland, New York, Pennsylvania, Virginia, New Jersey, Massachusetts, Vermont and Connecticut. He belongs to the National Council of Architectural Registration Boards. He is also the author of numerous works in the field of penology. He is a lecturer and a recognized authority on correctional institutions. He is experienced in the planning and design of institutions, industrial structures, schools, colleges and hospitals.

Mr. Litchfield has done extensive work on training centres and air bases for the United States Government. He is also a trustee of the Union Savings Bank and Library, Mamaroneck, New York.

He is a member of the American Hospital Association, the American Institute of Architects, the American Correctional Association and the National Conference of Juvenile Agencies.

Mr. Litchfield will give us more details himself of his experience in the field of prison architecture. We are very happy, Mr. Litchfield, that we were able to retain your services today.

Incidentally, the way this all came about occurred in Washington as a result of the visit that our Steering Committee made there a couple of weeks ago. After hearing from the United States Bureau of Prison Officials, we felt that we should hear from an architect with wide experience in the prison design field, but one who was not connected in any way with either the United States Government or that of Canada.

We felt that in Mr. Litchfield we had found a completely independent authority in this field, and we are very happy, Mr. Litchfield, that you were able to come today.

Mr. Clarence B. Litchfield, A.I.A.: It is very flattering for me to be here today. It is an enjoyable occasion for me and I hope that I can help you. Before I was able to come here, I had to comply with the ethics of my profession in the United States which required that I have the concurrence of the architects that you have had as consultants. I got that concurrence and I would like to have read the letter from the firm, good and greatly respected friends of mine by the way, Hellmuth, Obata and Kassabaum.

With this letter is the statement of philosophy used as a basis for design of the Canadian maximum security penitentiary.

I would like to have these two papers read rather than read them myself, if you please.

CO-CHAIRMAN (*Mr. Watson*): Fine, I will do that. This letter is from the firm of Hellmuth, Obata and Kassabaum, Inc., Architects. It is dated March 31, 1967 and is addressed to Mr. Clarence Litchfield, La Pierre, Litchfield and Partners, 8 West 40th Street, New York, New York. It reads as follows:

Dear Mr. Litchfield:

The enclosed statement concerning the Canadian Maximum Security Penitentiary gives some background of the correctional philosophy and systems organization which were given criteria employed by our firm in developing the plans for that institution.

I hope this statement will be useful as background material in your critique of the program and institution plan.

I hope that all goes well on your trip to Canada. George Hellmuth has asked me to send you his greetings.

Yours truly,

"Tom Bear"

Attached to that is the "Statement of Philosophy used as Basis for Design of Canadian Maximum Security Penitentiary." It reads as follows:

The Canadian Maximum Security Institution was developed from a program of physical requirements, operating procedures, traditions and philosophy of corrections promulgated by the Canadian Penitentiary Service.

The institution was conceived and programmed as one part of a "family of institutions," each of which would be a satellite facility to a central administrative-housekeeping headquarters.

This "family of institutions" when developed on a regional basis, would include a medium security unit, a maximum security unit, a minimum security camp, a medical-psychiatric unit, and a reception-diagnostic center.

The central supporting facilities consist of a heating plant, sewage treatment plant (if required), central fire station, central warehouse, central garage, small administrative headquarters unit, and a pre-release unit.

The maximum security unit will be used for two types of prisoners: 1) the assaultive, escape-prone, difficult inmate for whom no other type of facility will provide the necessary program or security 2) the prisoner who is unable to live in harmony with others in less secure units and who needs short term incarceration to re-direct his attitudes so that he may return to a less restrictive environment.

The architectural solution to the requirements of the maximum security program is reflected in the institutions now being constructed at Ste. Anne des Paroisses.

Mr. Litchfield, I wonder if you would now give us a bit more of your background, and we could attach this list as an appendix to today's proceedings.

Mr. WINCH: Before you do that, may I make a short statement. From what has just been read we all completely understand the honour of architects and professional groups. I hope that Mr. Litchfield will understand that this is a joint committee of the Senate and the House of Commons dealing with a most important matter, namely the type and style of maximum security prisons, which may, as Government plans are at the moment, run us into an expenditure of between \$100 million and \$110 million. This committee has a responsibility in

this regard. We do not want to in any way whatever infringe upon what is considered to be the ethics of the architect's profession. I hope, however, that from your knowledge of planning and your work in the field of penology and in the design of prisons you will be able to give the committee the fullest possible information on design and also, perhaps, just what you consider about the plans that have been submitted to us.

Mr. LITCHFIELD: In reply I would like to say that I will give my views as if I were approaching this problem as an architect, not as a critique—

Mr. WINCH: As if you were designing this yourself—you will tell us how you would design it?

Mr. LITCHFIELD: That is right.

Mr. WINCH: Thank you; I have the answer to my question very fully.

Co-CHAIRMAN (*Mr. Watson*): Would you submit this so that we can attach it as an appendix to your evidence?

Mr. LITCHFIELD: Yes, but I would like to have this back if I can. This happens to be an original list.

Co-CHAIRMAN (*Mr. Watson*): I would ask for unanimous consent to have this list attached to the evidence of Mr. Litchfield. It is a list of 32 prisons and institutions which have been designed by Mr. Litchfield or to which he has contributed his architectural services. Do we have unanimous consent for that?

Hon. MEMBERS: Agreed.

(*See Appendix No. 5*)

Mr. LITCHFIELD: This is a copy of what I sent to Mr. Price.

Co-CHAIRMAN (*Mr. Watson*): Would you like to proceed with your opening statement?

Mr. LITCHFIELD: As I said, the information I give here will be based upon my own professional experience over the past 34 or 35 years. Of course, my experience differs from that of any other architect as I have been doing work that other architects have not done, and as Mr. Kohl stated in his evidence before this committee on February 13, "no two architects would solve the same problem in the same way".

I am going to try to express my opinions, in a constructive manner. It would be presumptuous of me to say what Canada should do, because I do not know Canada. I know the United States and some other areas of the world, but not Canada, and it would take a great deal of study to form an opinion as to what Canada should do. We are two different countries, even though we are next door to each other and we feel, as it were, very much in the same family, but there cannot but be differences.

The architects who have worked with the department have spent literally hundreds and thousands of hours getting acquainted with Canada. I have not had that pleasure.

I want to say that I have read your minutes of interviews with different people, and the depths to which you are trying to get information from, the different groups of people, is very impressive. One thing that struck me very early in the studies that I could not understand, is this. Every few years the American Correctional Association puts out a revised issue of the Manual of Correctional Standards. One of your Canadians in the Department of Justice, a director, was a contributor to this book, as well as over a hundred others all of whom are outstanding professional people and administrators of correctional facilities in the United States. The volume was issued in the middle of last year, and is about the third or fourth revision.

On pages 332 and 333 on that manual—and this fact has not changed much—under the subtitle "Diversification by Degree of Custody," estimates that

if a prison system maintains an adequate program of classification the following division of total population is about right. The listings: open or minimum security, 33 per cent; medium security, 50 per cent; maximum security, 15 per cent; special security facilities, 2 per cent. That is for an average population. That takes out your mental problems, as well as your alcoholically-tended people, who will no longer be a correctional problem in the States, unless they have committed a serious offence.

Now, in Mr. Simpson's testimony, as I read it from the reports, he gives: 15 per cent, open or minimum; 50 per cent medium; and 35 per cent maximum security and special security.

Later the Honourable Solicitor General appeared before you, and his approach was very close to that of Mr. Simpson, with 14 per cent in the open or minimum, 50 per cent medium security, and 32 per cent maximum and special custody.

I do not think—and this is basic—that our people north and south of the border are that much different. If anything, you are a more cohesive group, I would think, than we are. You have lesser representation in your population from all areas of the world than we have; and that diversification of peoples would tend philosophically to increase the loads on the special and the maximum custody. I do not understand this great difference. This point has to go back very deeply into your classification groupings.

Mr. Chairman, there may be some questions now.

Mr. WINCH: Are you acquainted with the super maximum security prison in the United States that was completed in 1963, in Marion, Illinois?

Mr. LITCHFIELD: I know of it.

Mr. WINCH: That was a super maximum security prison, for those coming from Alcatraz, the worst?

Mr. LITCHFIELD: I know of it.

Mr. WINCH: When our Steering Committee was in Washington, we were told that the maximum number held there was never over 650.

After our official hearing, I had the privilege of staying a day later and met with a number of officials. I discovered that, in this super maximum prison, that at what they term the custodial points, that is, the control points, for this super maximum, over a week they required a personnel of 35. That was the figure they gave me.

Mr. LITCHFIELD: That is custodial.

Mr. WINCH: That is, on the control points, at Marion?

Mr. LITCHFIELD: That is custodial.

Mr. WINCH: We have a plan before us, not on super maximum, but I guess it will be, because it is maximum. To the best of my analysis and in trying to get information, I understand that with a maximum of 450 inmates it will require 85 personnel on control points.

In my estimation, there must be a basis there for, not only of approach but of architecture. You have seen the plan here. Can you comment on that?

Mr. LITCHFIELD: I did an institution for the State of Connecticut. I did two of them for that state. I worked with the administrator, Warden Mark Richmond, who is now an assistant to Director Myrle Alexander of the United States Federal Bureau of Prisons. After we had set the scheme, Warden Richmond took this drawing to Washington to get comments from the Bureau of Prisons. He came back and the Connecticut institution was built. The institution you are speaking of is very much like it. The basic concept is the same, so I think I could say that if I had dealt with this problem of your maximum I would have done it differently.

Mr. WINCH: Would you mind telling us how you would have done it differently because of your experience.

Mr. LITCHFIELD: I would not have broken up the control points. From my experience I do not think that control points as such are that important. In my opinion they are too dispersed. I would have put the inmate housing circulation in one or two corridors, but I have not been into this design grouping that you in Canada had and I do not know the basic reasons why it was done. For instance, we would have a school on one of the corridors, but that school would all be in an educational department, it would not be broken up into parts of the control. We would be running the school so that at night when school was over you could shut down that part of the institution and you would have eight hours of sleeping with a minimal staff for supervision of the housing corridors at that time. Instead of four basic control points there would be this one, as shown on the brochure.

Co-CHAIRMAN (*Mr. Watson*): This is the plan for which institution?

Mr. LITCHFIELD: This is the one at Connecticut that I did.

Mr. WINCH: Which you say is very closely designed to Marion?

Mr. LITCHFIELD: It is very close. We have heard of 17 of your employees being seriously hurt. That is a serious thing. I am wondering how many inmates were also hurt. You are just as responsible for those inmates. You and I feel more sympathetic towards the employees being hurt, and it is important. You are also responsible for the people that you have under your control as a government. With your corridors and your control points you can protect an officer to an extent, but officers have also to be in these corridors to make sure that people are walking in an orderly manner. You never see at the end of a corridor the sticking of a blade in the man's side, so I believe you will have to have officers in the corridors also.

If you take a limitation of corridors with an observation point at the juncture of those corridors you will reduce the points that are static where you are supervising from, and you have more people who are accompanying the inmates. At the same time, these are officers who are training to be a part of the rehabilitation program. I never liked the use of the word rehabilitate, for some of these people have never been habilitated in the first place. It is change. It is only through human contact that you can make a change. You are not wasting by these officers being in the corridor. You are continuing the human contact between the staff and the inmates. Maybe I am getting off your point, but I think I have answered your basic question.

Mr. WINCH: Then could I ask you—

Co-CHAIRMAN (*Mr. Watson*): Are we sticking to control points, Mr. Winch?

Mr. WINCH: At the moment I am interested in this designing on control points.

Mr. LITCHFIELD: I have answered that.

Mr. WINCH: I am on the difference, as I understand it, between the super-maximum number of control points at Marion, which you say in this plan at Connecticut is almost the same, as I interpret it—and I have tried to get confirmation on this—with the plan here for a maximum 450, and the 600 to 650 super-maximum where we have to have almost double the number of control points. As an architect would you design a maximum security prison for 450 that required approximately 85 on control points?

Mr. LITCHFIELD: No. You are referring to four basic control points. No, I would not. I do not understand it.

Mr. WINCH: You do not understand it. Then let me ask you just two further questions. I believe it is about 31 institutions that you designed or been associated with?

Mr. LITCHFIELD: Yes.

Mr. WINCH: As a result of your designing and the experience of what happened—because I assume you follow up what happens after a plan is built—would you design a maximum security prison whereby there is any basic architectural separation between a medical doctor, psychiatrist and psychologist and those who are mental? Would you keep them in one unit or would you have division, as an architect from your experience?

Mr. LITCHFIELD: Well, these treatment professionals are a team. They are working as a team and they should be able to work together with each other. They are analysing inmates in the United States. There has been a terrific change in the last three, four of five years in correctional philosophies and in correctional design following those philosophies.

I will answer your question and then I will go on with what I am talking about. I would keep them as closely together as possible for communication with one another.

Co-CHAIRMAN (*Mr. Watson*): Mr. Litchfield, if I can just interrupt here, I think we should stick to this question of control points for a moment and try to finish with that. Mr. Price, our special assistant, has some questions on that point and I have a couple of questions as well, and if anyone else has questions on the control points I think this would be the most effective way of dealing with this.

Mr. WINCH: I am sorry. Fine.

Co-CHAIRMAN (*Mr. Watson*): Now, Mr. Litchfield, you indicated that you felt that the C.P.S. design broke up the control points more than you would like to see them.

Mr. LITCHFIELD: More than I would have done if I had been doing it, yes.

Co-CHAIRMAN (*Mr. Watson*): I would like to have it very clear in my mind that the corridor system which you recommend requires less personnel. I would like to have this explained, and even though you might be repetitive, I think it would be to the benefit of the committee if it could be very clear in our minds just how you save on personnel by using the type of corridor system you recommend.

Mr. LITCHFIELD: Yes. With this Connecticut plan where the inmates housing are located there are two basic corridors under observation from the control centre. That is all: two corridors.

Now, off these two corridors there are all of the housing, the hospital, and the part in which you keep inmates apart owing to offences within the institution. This allows, therefore, in the very busy period of the day possibly three men in the control room, because the telephones are in there, the observation is in there and the keys are in there and so on. That is allowing three, when there is a passage of a good many inmates—the inmates do not all go down together. One cell block will be released and go to its activities and then there will be a pause and another cell block will go.

Incidentally, an officer would accompany them, and there would also be corridor officers walking along, helping. But there are only three in the control point.

I do not understand the multiplicity of connecting corridor angles in this other plan.

Co-CHAIRMAN (*Mr. Watson*): You are talking now about the C.P.S. plan?

Mr. LITCHFIELD: Yes. I do not understand it.

Co-CHAIRMAN (*Mr. Watson*): There are four control points as you see it.

Mr. LITCHFIELD: Four control points, and there are three of four radial areas from each. Is that right? Do you want me to put these plans out?

Co-CHAIRMAN (*Mr. Watson*): Yes.

Mr. LITCHFIELD: You sent these to me.

Co-CHAIRMAN (*Mr. Watson*): Perhaps if we just put them on this table here. I wonder, with the consent of the committee, could we have the evidence taken by the reporters, but have Mr. Litchfield point out his comments on this.

Mr. LITCHFIELD: I am pointing out what I would have done differently. Now, this is a corridor that one can see. Here is another. Here is another one. Here is one control point from which you can see in six directions.

Mr. WINCH: That is the reason why we have all these control points: on account of that?

Mr. LITCHFIELD: Yes. Now, they are trying to do something that is advantageous, and that is to keep the inmates as far from each other while they are sleeping as possible.

I do not know, but I imagine that they would only be confined in their cells for eight to nine hours at the most, and that is the period in which it is easy enough to stop communication by closing a window and taking the handle away that opens it. There are other ways of doing it. While, if you use the Connecticut plan or part of it you will have the next building 50 or 60 feet away.

Here you are a little farther away. You do have some advantage that way. How much communication would there be during that eight or nine-hour period is the question that each person in his own mind has to determine.

Now, that is 48 feet across at the nearer points. That is an advantage. You are gaining another little advantage; you are getting a breakdown of these recreation courts, which is an advantage. You see, there is never such a thing as a plan that is—

Mr. WINCH: Perfect.

Mr. LITCHFIELD: It does have some good points in it, and this is one, but you can have oral communication or you can have communication of notes over the roofs. They can throw a note over with a stone enclosed. That would be an easy thing to do. All those things have to be thought about, and just what advantages you are getting out of this multiplicity of controls must be determined.

Mr. WINCH: Now, you have been pointing out what you consider are the advantages of this system. Tell us now, from your point of view, from the point of view of your own plan, what are the disadvantages of this one.

Mr. LITCHFIELD: I have tried to do that by telling you that it would seem to me, if these remain as control points, that there would be staff tied up in there points that are doing almost nothing but looking; they are not helping, are not in the program, are not communicating with the inmates, as in my opinion they should be doing, because it is a human relationship that has to be established. You cannot rehabilitate without trust. You cannot teach without trust. You just cannot do these things. Somehow or other I seem to get the feeling that there is no trust here.

Mr. WINCH: That is an important statement.

Mr. LITCHFIELD: Here you have got only one station.

Mr. WINCH: This you say is basically the same as Marion.

Mr. LITCHFIELD: It is very similar.

Mr. WINCH: It is a super maximum prison.

Mr. LITCHFIELD: It is the same. Connecticut is too small a state to have both separated maximum and medium custody. We put the 2 per cent in the separation area, which is sub-divided into three different areas. That is for the separation group. The 2 per cent in here have their own programs.

Now, here is your administration and here is this administration. Your contact is straight down to the control points, but on each side there are facilities. There are facilities on each side of the connecting corridor.

Co-CHAIRMAN (*Mr. Watson*): What is between administration and that control point?

Mr. LITCHFIELD: They are halfway areas. Now, Connecticut needed a court. They brought the court into the institution so that it is in there and it is a place to which the inmate comes.

There is also the classification right here. This whole group on this side is the classification centre. The psychiatrists, the psychologists, the social workers, the people from outside and the people from inside meet at this common point. At night a grill is pulled across there, after work is over. A grill is pulled across there too. And this is the work area here. This is industries—a grill is pulled across closing off the industrial part from the recreation, school, chapels and dining. You can do the same thing here. Again this corridor is double-loaded (meaning useful areas on both sides of the corridor). You have corridors that are used only to walk through.

Mr. WINCH: Does that mean double cost of construction?

Mr. LITCHFIELD: Its cost could be more by not using the corridors for access to program areas on each side. This does require a careful allocation of facilities along the corridor so that it is practical to use. Now this way—you have work here. You have the hospital here and you have the chaplain here. Over here you have your auditorium.

Now, we made quite a thing of the religious centre in Connecticut. We have a large, imposing Catholic chapel which I can show you in the picture. There is the Catholic chapel. You get to it by going down a corridor with the chaplain's offices on the side—a wide corridor. I have seen institutions, not very many, but I have seen some where one of the most effective of the staff members is the thoroughly well developed, understanding Catholic priest. This man I am referring to was terrific. He had been a Notre Dame football player, and the results he was able to accomplish in this prison were amazing. But that is beside the point.

Mr. WINCH: Could I ask another question then? You believe the chaplain and the church—to put it that way—should not be off to a corner. It should be somewhere in the middle where they can be approached at any time?

Mr. LITCHFIELD: I think so, because all of the disciplines we know—and we are working with different disciplines, psychiatry, psychology, medicine, religion, recreation, education—they are all important in the development of the whole man that we are trying to send from here into that medium custody institution and then to the minimum. We are trying to create a whole person out of that our intake from the courts.

Mr. WINCH: In addition to that, do I understand you to say—from your ethics you cannot make criticisms—but did I understand you to say that in your planning from an economic point of view you would have as few corridors as possible?

Mr. LITCHFIELD: I would certainly try to and they would all be open during the busy part of the day. Then during the period when different activities end, they are shut off. But your religion, your education, your library—they are all part and parcel of the program. They are the tools you are using to try to make this man over. It is going to cost more to do this. It is going to cost more money.

Mr. WINCH: Even on these corridors?

Mr. LITCHFIELD: Even in the chapel area—having it in a separate building is more expensive than combining it with other facilities.

Mr. WINCH: You mean it would cost more money to do it this way?

Mr. LITCHFIELD: No, no. This Canadian plan is cheaper. You have four sides of the building—four walls.

Mr. WINCH: Your point is that from the psychological and rehabilitative point of view it is better?

Mr. LITCHFIELD: Yes, I believe so. Here is a corridor which is a cell block, with no cells on the first floor. There is a corridor on the first floor with cells on the second floor. In your Special Handling Building there is a canteen, a book storage or bookstore there, and the chaplains are in the area of the chapel. There is a great deal that a human being can do in the chapels and with the chaplains.

Mr. WINCH: Did you ever design something like this where the canteen was off at the furthest point and not in the centre? Would you put the canteen at the farthest point rather than in the centre?

Mr. LITCHFIELD: I would try to get it as near as possible to the recreation area. How it is operated is another matter. I doubt if these inmates in this institution would go to the canteen. I think that they would take orders and the orders would be delivered—I don't know.

Mr. WINCH: The system is that you place an order and then on a specified date, so many days after your order, you go to the canteen and pick it up.

Mr. LITCHFIELD: I would have the canteen relatively easy to supervise. However, a canteen in this area right there—

Mr. WINCH: Almost in the middle?

Mr. LITCHFIELD: In the middle. This is the way of getting out to the recreation field.

Co-CHAIRMAN (*Mr. Watson*): Discussing the control points, you mentioned that because of the additional corridors we have here you would have a man in each of the four control points, and in addition to that to prevent various incidents in the corridors it would be necessary to have guards stationed in the corridors as well.

Mr. LITCHFIELD: They will be walking in the corridors; they will be directing there—or they should be, in my opinion.

Co-CHAIRMAN (*Mr. Watson*): It is your contention, as I understand it, that the additional personnel required for this supervision—these custodial tasks—according to this design, in practice the more men you have in custodial tasks the fewer you have for correctional tasks?

Mr. LITCHFIELD: You cannot get away from the fact that the whole entire staff must be part of the correctional process. They have to be trained for it, and I am sure that Commissioner MacLeod is doing just that. He is getting the trainees as skilled as is possible. These psychiatrists and psychological workers are expensive people who are trained to work with human beings.

Mr. PRICE: I should like to have this for the record. In Marion, Illinois, this institution is subject to modification as to the size?

Mr. LITCHFIELD: Yes, it always will be.

Mr. PRICE: First of all, regarding the control points. Will you indicate if this is correct, that each man at a control point requires five men to keep him there?

Mr. LITCHFIELD: Approximately, in an overall pattern of employment.

Mr. PRICE: In other words, for every custodial point you have to allocate five men to operate it?

Mr. LITCHFIELD: If that is a 24-hour control point. If it is a 16-hour control point or an eight-hour control point, that is an entirely different thing.

Mr. PRICE: My understanding from the figures I have on Marion, Illinois, is that to operate Marion, a staff of 250 people requires 35 men?

Mr. LITCHFIELD: Custodial men.

Mr. PRICE: Custodial men. In other words, divided by five there are seven points that have to be occupied, so 35 out of a staff of 265 is concerned with

sitting at a control point essentially? In other words, for an institution with a somewhat smaller inmate population you are going to have 85 people, if that is correct. Does that sound reasonable?

Mr. LITCHFIELD: It is possible. I am sure you could verify that with Commissioner MacLeod.

Mr. PRICE: In other words, approximately one-third of your staff is going to be doing nothing but sitting in here at various times. Then what is the point of training these people?

Mr. LITCHFIELD: From your correction booklet which I was given for the Corrections Annual Meeting, you seem to have English centres and French centres of training. How much in-training there will be done here, I do not know.

Mr. WINCH: Three months.

Mr. LITCHFIELD: You are getting into administration now and trying to find out what the Commissioner is doing, and I have no idea.

Mr. PRICE: But would there be any point in training a man to sit in behind that point? Is he going to have any personal relationship with the inmates?

Mr. LITCHFIELD: We do not like it.

Senator FOURNIER (*Madawaska-Restigouche*): He is a sort of watchdog.

Mr. LITCHFIELD: I do not like the idea, particularly of watching over the classroom, and watching over the—

Mr. PRICE: Would you point that out specifically?

Mr. LITCHFIELD: I shall have to go to another plan, a detailed plan.

Senator FOURNIER (*Madawaska-Restigouche*): Your hospital is here. (Indicating on plan).

Mr. LITCHFIELD: It is a limited treatment centre here for this group, because you have a medical centre. The connecticut hospital is four storeys high.

Co-CHAIRMAN (*Mr. Watson*): Referring to the Connecticut plan.

Mr. WINCH: Are doctors, psychologists, etcetera, related to this plan?

Mr. LITCHFIELD: Here are your psychologists that are not working out in the housing units themselves. This is home base. The psychiatrists in this plan are right here, right near. You see, they work closely to classify or first find out if there is a mental disorder. This is for the psychologist, and that is not mental disorder, it is, let us say, disarrangement.

Mr. TOLMIE: Have you ever discussed this with the architects who compiled this plan?

Mr. LITCHFIELD: I might stress that the architects on Marion were the same consultants to the Canadian federal Government—the same people.

Mr. TOLMIE: Now, in your initial remarks you made some reference to the control towers, the number of them and their locations, and you seemed to suggest that at the present time you could not understand the philosophy of the architects who designed this plan.

Mr. LITCHFIELD: I did not say architects. I said the basic philosophy as expressed in the paper I received that was read.

Mr. TOLMIE: Let me phrase it in another way. From your consultation you took objection to the type of towers, and perhaps the number. Would it have helped you if you had been able to discuss with the architects who prepared this plan and to get their views?

Mr. LITCHFIELD: We would have been glad to discuss it with the department.

Mr. TOLMIE: With the Canadian Penitentiary Service?

Mr. LITCHFIELD: Yes.

Mr. TOLMIE: And you would perhaps have had some of your inquiries answered?

Mr. LITCHFIELD: Very likely.

Mr. TOLMIE: Because in many cases it is a matter of opinion as to what is the best method?

Mr. LITCHFIELD: It could well be. All I can say is that I do not understand this.

Mr. TOLMIE: But you would be in a better position to give evidence if you had talked to the Canadian Penitentiary Service first? Would that be fair?

Mr. LITCHFIELD: Well, my same question would be raised.

Mr. PRICE: But you could not avoid this tower in any way, I do not see how anyone can change this.

Mr. LITCHFIELD: No, not with that plan.

Mr. TOLMIE: But it might be helpful?

Mr. LITCHFIELD: Oh, it could well be.

Mr. WINCH: These would be dining rooms here. There are classrooms also and there is a control point right in there.

As an architect planner in penology, would you put a control point over a dormitory, dining room, and a control point completely enclosed like that, over classrooms?

Secondly, this being for the accommodation of 450, what do you think of the size of the classrooms?

Mr. LITCHFIELD: On the first floor, two of the rooms are classrooms, and the other room is a day room.

It would seem to me that group therapy would have to be done in these rooms also. Group therapy is a tough process to conduct: a man is going to group therapy for soul searching.

I question the environment that is being created for that activity. I like these rooms close to the cells. It is important to have the rooms, but I question the classrooms, for instance. I am assuming that those classrooms would be used by one of these groups. There are 150 people, grouped into 60, 60 and 30.

There are to be two classrooms and the day room could be used also.

How is the education being run? You have music, English, French and other languages, you have history. How do we know where this group is going to take science, which is a basic item when you go into the different grades.

It seems to me there is disorganization of the basic education program, to have it split into three different locations.

You are planning the educational work somewhere, you have an educational director somewhere, and he is dispersing the educational staff.

Mr. WINCH: You also have to disperse the people from the various sections?

Mr. LITCHFIELD: I would assume so. You have six classrooms designated. Of course you could use some of the day rooms as classrooms. But it is dispersed, it is not a cohesive program. I am a little afraid of that. That is why I have done it always in an entirely different manner, to bring education into one point, an education centre.

Mr. WINCH: If he moves from class to class, he does not have to move to an entirely different sector?

Mr. LITCHFIELD: In Connecticut all formal education is in one building, and there is an officer in that building. From the corridor into the classroom, we put

glass for observation quite elevated so as to keep the officer's face as far as possible above the line of the students, so that they are not distracted.

Mr. TOLMIE: What bothers me in regard to this type of evidence is whether it would not be the case that if another architect came here and examined that design he might have a great deal to say in favour of it, or he might have criticism even of another nature. In other words, basically is it not a matter of opinion as to the design to arrive at a certain result?

Mr. LITCHFIELD: Opinion, and one's personal experience.

Mr. TOLMIE: Those who designed this had certain opinions and some personal experience, had they not?

Mr. LITCHFIELD: Yes. The same architects did the Marion institution.

Mr. TOLMIE: Is that considered to be a well-designed institution?

Mr. LITCHFIELD: Yes, for the use for which it was designed. I understand you have certain information from Washington which I will not repeat.

Mr. TOLMIE: We are trying to arrive at a conclusion as to whether this design basically will achieve the purpose set for it, for security and also with a certain emphasis on rehabilitation. This is our concern at the committee. You have made certain references to aspects of design, in particular to the control towers. I wonder what your views are in regard to the concept as it would affect the rehabilitative approach. You have mentioned what you consider defects or alternative ideas. Are these so basic that they would affect the rehabilitative possibilities of this particular plan? In other words, are they substantial?

Mr. LITCHFIELD: I am sure Mr. Helmuth included in his Marion plans more rehabilitative program areas than were included in this plan.

In the Connecticut institution, Warden Richmond and I, along with his staff, included 17,000 square feet together in a cohesive building for music, education, and a library centre.

Connecticut is a cold state in wintertime and we have 26,600 square feet for indoor recreation, for multiple use. You are getting the same age groups as we are in the States; the younger group is constantly building up and needs physical activity. They are not all skaters or hockey players, some will be basketball players or players of other sports. There are just as many kinds of people in here as there are in public schools.

Our religious centre at Enfield is 7,800 square feet. When Connecticut is expanded to its ultimate, I am sorry to say we will have 1,100 inmates. I do not believe in it, but there we are. That will give us 46 square feet per inmate—after its ultimate development—for education, library, religious purposes, and indoor recreation.

Co-CHAIRMAN (*Mr. Watson*): Are you saying that is what we have here in Canada for that?

Mr. LITCHFIELD: As near as I can tell you are going to have about half that square footage.

Mr. WINCH: Half?

Mr. LITCHFIELD: About half per square foot per man for 450.

Mr. TOLMIE: This is for recreational purposes?

Mr. LITCHFIELD: No, for these programs of recreation, education and religious centres.

Co-Chairman (*Mr. Watson*): And library.

Mr. WINCH: Roughly only about half on the type of plan you have.

Mr. LITCHFIELD: About half of the program area. It seems to me we may be over liberal; you could say that. It is for these three purposes, an area for each

person in the institution divided into these different groups; about 4 ft. 6 in. by 10 ft.

Mr. WINCH: And we will have 2 ft. 3 by 5 ft.

Mr. LITCHFIELD: You are going to have 1 ft. 3, or 5 ft. by 4 ft.

Mr. WINCH: For education, recreation, religion and library.

Mr. LITCHFIELD: Right. That is as near as I can figure.

Mr. TOLMIE: That is as near as you can figure. You are not exact?

Mr. LITCHFIELD: That is as near as I can comment on it.

Mr. WINCH: You are an architect and you have looked at this plan.

Mr. LITCHFIELD: Right.

Mr. TOLMIE: Would this be exactly the same type of prison as the one you are comparing it with?

Mr. LITCHFIELD: Not quite, no.

Mr. TOLMIE: You are comparing two different prisons then?

Mr. LITCHFIELD: As I said before, there are quite a few medium custody inmates in this Connecticut plan because this is a small state.

Mr. TOLMIE: So you are not really comparing a maximum with a maximum?

Mr. LITCHFIELD: I cannot. It is very important for you to realize this.

Mr. TOLMIE: Yes, this is very important.

Mr. LITCHFIELD: Very. But they are the same people.

Mr. TOLMIE: But they are not the same design, the same prison.

Mr. LITCHFIELD: Classified they are a more escape prone group that is supposed to be in the Canadian plan.

Mr. WINCH: But you also say that this plan you have described at Connecticut is almost the same plan as the super-maximum at Marion.

Mr. LITCHFIELD: At Marion, I think they designed for an older group. They are getting a younger group, with the need for more recreation and the need for more education, and I am suspicious that they would like a little more recreational area and a little more educational area.

Mr. TOLMIE: To me this is very relevant to our discussion. We are examining our proposed maximum security prison, and evidently about one-third of our prisoners are of that nature, that they would escape and once they had escaped they would be dangerous. You are comparing this design with a design in the United States, but as I understand your evidence the prison you are comparing this one to in the United States is not strictly a maximum security prison. Is that correct?

Mr. LITCHFIELD: That is right. The Marion institution is a super institution. The one I am referring to has some medium in it.

Mr. WINCH: Is it also maximum as well as medium?

Mr. LITCHFIELD: Oh yes. It has maximum in it and it has the two per cent super maximum in it.

Co-CHAIRMAN (*Mr. Watson*): Would the committee consent to Mr. Tolmie replacing me in the chair for five minutes? I have to make an important phone call.

At this point Mr. Tolmie assumed the chair.

Mr. WINCH: I would like to get this clear in my mind. The one you have described as being a medium, maximum, maximum security, is in basic design the same as the maximum super at Marion.

Mr. LITCHFIELD: The basic concept of it. In detail it is different.

Mr. WINCH: The evidence we got from the federal bureau was that the majority of those they had in Marion are under 25 years of age.

Mr. LITCHFIELD: I would not be at all surprised.

Mr. WINCH: We are finding that we have the same or a similar situation in Canada.

Mr. LITCHFIELD: You are not that much different.

Mr. WINCH: No, I do not think so. I am just trying to think how to put it to get over what I want. I do not think we have any tougher criminals than you have in the United States.

Mr. LITCHFIELD: I have read in the papers that you are kind of afraid of what is coming to your world fair, and you think they are all coming from below the line.

Mr. WINCH: What I am building up to is not to ask you to comment on the plan itself. Basically we have the same kind of people that we are considering now, and we have to make a report on a maximum security. What type of plan for a maximum security would you suggest to this committee from your knowledge, your drafting and your knowledge of penology? We were told by the head of the federal bureau in the United States and by all his directors that now you cannot plan more than five years ahead. With that recognition, and the knowledge that if you build a concrete and steel prison it will have to be unchanged for maybe 50 or 75 years—

Mr. LITCHFIELD: A hundred years.

Mr. WINCH: A hundred years. As a matter of fact, we have penitentiaries in Canada now that are 100 years old. Would you as an architect, with your experience in this field, say what type of planning you think you would do under these circumstances? I am trying to put it in a fair way.

Mr. LITCHFIELD: I have to add, as I always do, and sometimes am forced to, that I must have a thorough understanding of your own requirements, of your own problems, then I would make a proposal and have that proposal thoroughly torn apart by your people. I would propose an institution that would take out of the population—that is of the maximum—a very small percentage that would be a part of the corridor plan, but it would have a program in itself.

I do not know if any of you have heard of the Deuel Institution in California. I visited that extensively. They have this very young rebellious group removed from the rest of the connected plan, and they have put this group in a special separated program unit. It is still on the corridor. However, they have the psychiatrist, psychologists and social workers right in there with them, and they are performing an intensive program for that group which can be the disrupting element in the rest of the institution. You have got to get back that trust, you have got to develop trust. Of course, the facility has security around the periphery of the buildings, but it has freedom of flow to the different elements of the program.

Mr. PRICE: I think it would be helpful to the committee if you could explain—because we will have to consider it at some point in reference to this question—how the C.P.S. design was arrived at. I would like to know how you go about preparing a design. I know, as you say, you prepare a proposal, but in terms of interviewing who do you talk to, what sorts of things do you talk about, how much time do you spend on it?

Mr. LITCHFIELD: I do not know how the C.P.S. plan was arrived at. I always spend a great deal of time with the key people in charge of each of the departments. That has to be done with the consent and complete co-operation of the administrator. Occasionally that is not given, but usually it is.

Co-CHAIRMAN (*Mr. Watson*): Who are these most important key people?

Mr. LITCHFIELD: Those in charge of the humane side, who are responsible for changing of the attitude of the inmates. Your psychiatrists, psychologists and social workers working between the home environment and bringing that back to help analyze the person. You are working with inmate human beings, so you have got to work closely with each of these skilled people. What do they, in their opinion, need in the plans to cope with the individual inmate problem? You do that with the athletic group, you do it with the industrial group and you do it with the educational group, your whole program. The heads of these different departments have to be in on the planning.

Mr. WINCH: What you are saying now is that in designing a penitentiary you must keep uppermost in mind custodial and security—

Mr. LITCHFIELD: That is basic.

Mr. WINCH: —but with that in mind as basic you do your designing around the rehabilitation, having an institution which is secure. Is that right?

Mr. LITCHFIELD: Yes, that is right. I have brought a couple of instances. We have served as consultants, and I wrote this report for the State of Delaware. I just turned it in on April 1, 1966. They then hired a local architect with the understanding that he would hire us as consultants.

This is the institution. They are abandoning their old one. Delaware is a small state, so the Department of Correction has, all in the same institution, the holding-for-trial, their maximum and medium problems and so on. That is all going to be in one central institution.

Now, what we do for the maximum group is this: the work area is out in a work area; the hospital is in a hospital area; the individual treatment centre is in another area; the school is in a school. But in the basic home—which we call the cell block for lack of something different, although I am trying to get it referred to as a housing-treatment unit—it is combined. This is for evening activity, when the inmates are in their home block, the basic core contains a group therapy room, a quiet library room, two counsellors rooms where counselling is taking place in human relations relating to the inmate constantly, and they are running the group therapy program.

We have a hobby room and then we do have our custodial office.

We are trying to create in the housing, as near as possible, the full functions of a home. At home your counsellor is the equivalent of your mother and father. Your home also includes hobby activity, books, recreation such as ping-pong—dominos. All such home needs should also be in the housing-treatment unit.

I feel that this is the development of modern correction, bringing the activity right in on a home basis.

Mr. WINCH: May I ask one supplementary here, Mr. Chairman?

Mr. LITCHFIELD: I do not know that I am answering your questions.

Mr. WINCH: Yes, you are answering very well. Is this plan that you have here, this big book, is this a report that you made when you were employed in an advisory capacity?

Co-CHAIRMAN (*Mr. Watson*): Will you identify what you are referring to for the benefit of the record.

Mr. WINCH: You were employed as architectural consultant for this institution in Delaware, were you, and this is your report is it?

Mr. LITCHFIELD: That is the program establishing what the design is to accomplish.

Co-CHAIRMAN (*Mr. Watson*): For what institution?

Mr. LITCHFIELD: Delaware.

Mr. WINCH: For this you were employed as consulting architect and this is your advisory report for this institution that will have about 90 inmates.

Mr. LITCHFIELD: No, that unit is only one unit of a full institution.

Co-CHAIRMAN (*Mr. Watson*): You are referring to Delaware, are you?

Mr. WINCH: To whom did this go?

Mr. LITCHFIELD: I prepared that in full co-operation with Dr. William Nardini, who is Commissioner of Correction. He is a doctor of psychology. He is a young man but has had broad correctional experience in Iowa and in the District of Columbia. He was selected from the District of Columbia to come to Delaware as the Commissioner.

We had meetings once or twice a week, so you see I had to work between meetings, reports were submitted of the results of those meetings, these reports also went to the Board of the Department of Correction who are lay people.

Mr. WINCH: You say they are lay people.

Mr. LITCHFIELD: Yes. They are appointed by the governor. The professional is the commissioner. We are getting in all the different parties of his staff.

Mr. WINCH: Now, please, may I stop you for a moment. You say that it then goes to lay people. You submitted this with the design of the institution.

Mr. LITCHFIELD: The rough sketches are in there also.

Mr. WINCH: But was this then considered with all the aspects of what you had discussed with the psychologist, the athletic, educational and custodial people and so on, who then made the decision as to whether or not the design would be accepted? In other words, who made the final decision on the design after this was submitted?

Mr. LITCHFIELD: Well, the design is in there.

Mr. WINCH: Yes, but who said yes and no and made alterations?

Mr. LITCHFIELD: The commissioner and I and his staff are all in this book.

Mr. WINCH: But who are the lay people?

Mr. LITCHFIELD: Nothing was changed. Nobody changed it.

Mr. WINCH: But who are the lay people that you mentioned?

Mr. LITCHFIELD: Their names are right in here.

Mr. WINCH: What do they represent? I am not interested in their names but only in what they represent.

Mr. LITCHFIELD: Mr. Cabbage is a psychologist; he is a psychologist who has his own private practice. Franks Parker is an investor with a multiplicity of investments. He makes concrete blocks and he makes premixed concrete. He is a very highly respected businessman in the state. Mr. Derickson, as I remember, is a labour representative. Mr. Ehinger is an educator, a director of a private school. Mr. Grubb is a retired engineer who was in charge of the maintenance work of the University of Delaware at one time. Mr. McGowan is an Assistant Superintendent of Schools of Wilmington, as I remember. Mr. McKenna is one of the top executive officers of the utility company of the State of Delaware. The last two I cannot tell you.

Mr. WINCH: Well, I presume then that this report of yours was submitted to them. Do I then take it that they went over it and made their representations to the final authority who made the decision?

Mr. LITCHFIELD: I was reporting to them constantly.

Mr. WINCH: They then put their recommendations or their comments to the final authority who made the decision, but before a final decision was reached their advice was considered. I mean do you have such things as the John Howard Society and the Elizabeth Fry Society and the Probation Association?

Mr. LITCHFIELD: This is one way in which Canada impresses me. Now I want to stress this: you have a terrific relationship with your communities in the

correctional field. We do not have quite that multiplicity of interest that you have in Canada. And you are very fortunate that you have it. It is very important and I certainly bow to it.

Mr. WINCH: If you had it in the United States and you were told to report on an institution, would you talk it over with them?

Mr. LITCHFIELD: I hope so. I hope so, but there are usually certain restrictions.

Mr. WINCH: There is the matter of ethics again, I suppose.

Mr. LITCHFIELD: I do not quite know what word to use. Between the people responsible and the people who are interested and advisory and well-founded in knowledge, there is often a jealousy of the responsibility side of things.

Now, you have got some people here that are in your Corrections Association and I hope they are going to tell you how difficult it is for me to express this. It is impossible. One is not responsible; the other is completely responsible to the Government of the country. The Government will look at it a little differently, and so I hope this will explain my answer. In the presentation of this to the governor, the commission made a report that was sent by the Board of Corrections, the annual report, and I was very much flattered with what the commissioner said, but the whole thing is a part of it. The governor has to rely on the professional, and you are getting into a field that is not easy to express.

Mr. WINCH: But in view of the fact that we have had this, and that this was in the report of the advisory committee, I would like to quote this statement from the report. This is from the annual report to the Governor of Delaware from the Department of Corrections, State of Delaware, November 15, 1966. It says this:

This modern facility is to be constructed in March of 1967, and incorporates all of the most recent architectural, engineering and building knowledge to the field of corrections. This new facility was planned through the wonderful assistance of an outstanding and nationally recognized architect, Clarence B. Litchfield, from the firm of Litchfield, La-Pierre and Associates in New York, and with the tremendous assistance and work of the Board of Corrections, the Commissioner and staff. This facility will be a multi-purpose facility for 440 persons to replace the outmoded facility near Wilmington, and the Correctional Farm nearby, which must be returned to the country to be utilized as a recreation center by January of 1968.

I am happy to be able to read that into the record in view of the fact that we have Mr. Litchfield now before the committee.

Mr. PRICE: May I ask a question at this point which will serve to focus the discussion. I take it that the first thing you do in planning an institution of this type is to see what is going to be done in it. You find out what the program is and what kind of people are going to be there. And you follow this in preparing any plan.

Mr. LITCHFIELD: You are a lawyer and I defy you to carry on a case without knowing the whole information about that case. My profession has to be as thorough as yours.

Mr. WINCH: In other words you have to know in the penitentiary system what the policy on penology is before you can design the institution itself.

Mr. LITCHFIELD: Here let me say this, that the development of the professions and the multiplicity of professions within penology has since World War II been greatly augmented. It has been accelerated beyond any earlier hope. Fortunately we are getting these people, this multiplicity of professions, who are

lending great impetus to the treatment program. They are now able to professionalize the treatment program.

Mr. WINCH: I have my last question to ask—I know I have been asking a lot of questions but I have been interested in this subject for 34 years. May I put it to you this way, Mr. Litchfield. From your knowledge of penology, and as an architect, would you tell us in view of your statement just now what fantastic changes in policies of penology have taken place in the last 20 years adding this to what our steering committee was told in Washington by the chief of the bureau of the fantastic changes expected in the next five years. Would you as an architect with a knowledge of penology design a building, a maximum security building in particular, that is going to stand for 50 to 100 years? Would you think it reasonable to do so?

Mr. LITCHFIELD: I think that that is one of the reasons—and I am not hedging—but I think it is one of the reasons that the Connecticut job we did provided such a great percentage of programming square footage so that there would be the flexibility of change as change comes. My experience started back in 1930-31 when we were doing Lewisburg, Pennsylvania, for the Bureau of Prisons, and there have been a great many institutions since that time, and program areas are always found to be too small a few years after constructed. That is why we keep in mind the need of square footage. There seems to be no ultimate end to this development. It is just amazing in a span of three decades how this has developed, and how much these professional people can aid us.

Now the last thing that I would refer to right now will interest you. I am working with the State of Vermont, and we did back in 1961 what we thought was quite an institution, but the legislators did not pass money for it at that time. At that time it was the last word. Now they have passed some funds and we are reviewing the whole program even changing its location and changing the whole concept. I was going to show you our intense increase in the six years that intervened from the beginning to today. There are people here who are in that adjusting work, and they are always running into lack-of-space problems.

Senator FOURNIER (*Madawaska-Restigouche*): May I ask how many people were you expected to house in 1961 as opposed to the number you are expected to house today?

Mr. LITCHFIELD: In 1961, a maximum of 375.

Senator FOURNIER (*Madawaska-Restigouche*): That was in 1961?

Mr. LITCHFIELD: Yes.

Senator FOURNIER (*Madawaska-Restigouche*): And what would you anticipate today?

Mr. LITCHFIELD: One hundred and fifty.

Senator FOURNIER (*Madawaska-Restigouche*): Down to 150 in six years?

Mr. LITCHFIELD: Down to 150.

Senator FOURNIER (*Madawaska-Restigouche*): What has happened?

Mr. LITCHFIELD: You have got your work release program which means that some go out to earn a living during the day and come back at night.

Mr. WINCH: That is the most interesting point we discovered. They got 2,100 out in the last 12 months.

Mr. LITCHFIELD: Yes, and the interesting thing is that this will affect your provinces, where they are held for trial. You have got release on their own recognizance. There you are not holding them in in your provinces for trial facilities.

Then you have this youthful group, the first offender group in the community, that comes to the court. They know the family and the family background.

This is not so much in the big community such as New York City, but in a community such as Albany—a city of that area, or perhaps your own community here in Ottawa. And you wonder why you would ever hold that boy. Now, he is a boy from 16 years of age and could be up to 26, and it is his first offence. He has taken a car and has hurt somebody. Should he be committed? The courts are saying, “We know a lot about this chap, so let us give him a chance of saying that he will go to an open treatment centre instead of being committed.” In that community treatment centre, which is open, is concentrated group therapy work every night. They will go out and work in the daytime. They will eat there. You will bring problems into that group. You will possibly put four lads in a small dormitory, so there will be conflicts among them. Why? Somebody is going to blow his top in a small group. So you have something to talk about. Why did that chap blow his top will be discussed in this group therapy work? If he is there for three months, you can do a terrific amount of work with him. You are not going to get him 100 per cent solved, but you are going to go a long way with him. These things are happening.

Mr. WINCH: And that is why six years later you have brought down your present population.

Co-CHAIRMAN (*Mr. Watson*): Is it your appreciation that the present convict population in the United States is decreasing rather than increasing?

Mr. LITCHFIELD: Yes. From every indication that I am able to observe. Now, I had a thought a moment ago which I have lost. However, these people are not going to have a commitment on their records. These people are going to be treated under a court. They can go to this open place and stay there and have the treatment.

Now, the youthful offenders. The state does not want to send them to an institution with older offenders. Here is the program I told you about in Delaware, but in addition we have group therapy rooms measuring 10 feet by 14 foot-6. There are two counsellors, and this is for 40 persons. That means that each counsellor is going to spend an hour and a half on ten people every night, so he is busy in group therapy work for three hours at night. There are ten men in each group. But here is the same basic program, with a library quiet room, a hobby room, dining-day room. In addition, there are these two group therapy rooms. The inmates in this facility are going to be committed.

Mr. PRICE: I have one point for the record. I would point out that the prison population, according to the U.S. Bureau of Prisons, in four years has gone down from 24,000 to 19,000, and there is every expectation that this trend will continue.

Co-CHAIRMAN (*Mr. Watson*): I have a question which relates to the actual C.P.S. design. You mentioned that you had read the earlier testimony which Mr. Simpson gave about the rotunda design and how this present design is a descendant of the ancient rotunda-type design. I am wondering what you feel about this rotunda design, is it modern or out of date?

Mr. LITCHFIELD: The rotunda design is a design of around the 1870 era, with its spokes. It was developed in Pennsylvania. You could look down each alley from a central point. Now, let me also say that the telegraph pole design was first done in about 1880 in France, but it has had all kinds of developments and variations to it. The rotunda design is one that always made me shudder a bit. One variation of the rotunda design was developed by Jeremy Bentham—“the Penopticon”—in the eighteenth century, I believe, but it took until the 1920’s before one or two were built in Joliet, Illinois. These huge circles of cells encircle a single control or observation tower in the centre, the grille fronts of the cells are all around. Warden Joe Regan who is one of the well-known wardens of the United States ran Joliet prison. I went through it many times with him, and he

said, "Yes, our officer can sure see the inmates, but he gets awful nervous with all those inmates looking at him." It is a development from the rotunda design. These inmates have their eye on that man all the time. I shudder at the older rotunda design.

Co-CHAIRMAN (Mr. Watson): Do you feel that our CPS design has somewhat the deficiencies of the rotunda design, or have they been sort of ironed out?

Mr. LITCHFIELD: Well, I think Mr. Simpson explained that it was a variation of it, did he not, as I read the report? But the design is greatly modified. The deficiencies are ironed out, but the environment of always being watched is maintained.

Mr. WINCH: Do you mean the deficiencies are multiplied?

Mr. LITCHFIELD: Yes, the points of observation have had pups there—three of them. I do not understand that, just leave it at that.

Senator FOURNIER (*Madawaska-Restigouche*): You talk about the interior of these places and how well these buildings should be designed for prisoners. Are we not getting a tendency to build a Château Laurier or a Château Champlain instead of jails, not keeping the atmosphere that these people are in jail?

Mr. LITCHFIELD: It has to be utilitarian. You must have a minimum of maintenance.

I just finished a unit for women for my own county, Westchester, New York. All the rooms are very utilitarian, except one. I included one well-conceived room, which is the chapel, which is multi-purpose, for Catholics, Protestants, Jews and others, and it is also an audio-visual room. It is a very attractive room, cherry plywood panels. It is small, intended for 20 at a service, but there are only 60 persons in the building.

Senator FOURNIER (*Madawaska-Restigouche*): Where you are not going to get abuse or they will not harm the room, there should be expression.

Mr. LITCHFIELD: Did you see the picture I had in my black book, showing the Catholic chapel in Connecticut? It was concrete block, not even painted. I do not know whether everyone would like it just as it is, a plain concrete block. This depends on how you do these things, in relation to other areas. It is utilitarian.

Senator FOURNIER (*Madawaska-Restigouche*): Now tell us about the living quarters.

Mr. LITCHFIELD: The painting can be of cheerful variety of colours. The building we have just finished had off-white walls, but the doors were bright, cheerful reds, yellows and blues and the radiator covers were painted in the same colours. There the wall colours are receding, they are small rooms so you try to push the walls out by colour treatment.

Instead of the toilets sitting out on an angle into the room, I made small partitions so that the women would not always look at the water closet. I was trying to develop some delicacies of femininity. This is the first time I know of that this has been done in this way. I do not know how far it will be accepted. It will cost a little more.

Senator FOURNIER (*Madawaska-Restigouche*): You would go for a bit of brightening up?

Mr. LITCHFIELD: In working with the treatment staff, it may be interesting not to have every cell block identical. There could be an amenity in one building that is not in the others, used for those a little nearer transfer to the medium security. That would mean more feeling of trust. You must sit down to work these things out and see how far you can go with them—but that is part of the whole rehabilitation program, which you spend months in doing.

Senator FOURNIER (*Madawaska-Restigouche*): It is unlimited?

Mr. LITCHFIELD: It is unlimited, but it is limited by cost and by citizen acceptance.

Mr. WINCH: Your drafting of plans and your approach is that, although you must have basic security, you are thinking of an atmosphere that will tend to rehabilitation, so that they do not come back again?

Mr. LITCHFIELD: To try to develop an environment. Those of us fortunate enough to be able to build our own homes, in creating plans for a home we try to create an environment that we want. When you must buy a house already made, you take the same environment as anyone else. These buildings are of special design and we should try to get every facet in them that will be to the advantage of the inmate, and the environment advantageous to the treatment program without spending extra money.

Senator FOURNIER (*Madawaska-Restigouche*): When you are speaking of building your own home and having these amenities, you build it because you always like to come back to your home, but we would not want them to come back to these institutions.

Mr. LITCHFIELD: We are trying to create a home, too, but not quite the same thing.

Senator FOURNIER (*Madawaska-Restigouche*): I understand.

Mr. WINCH: Could Mr. Litchfield inform this committee as to how he feels on the construction point—taking a maximum security prison—on the inclusion or non-inclusion, the advantages or disadvantages of closed circuit television?

Mr. LITCHFIELD: For supervision? For what purpose?

Senator FOURNIER (*Madawaska-Restigouche*): I do not mean in the cell.

Co-CHAIRMAN (*Mr. Watson*): For corridor circulation supervision.

Mr. WINCH: At Marion they have closed circuit television and they told us it was not satisfactory. From your experience, what is your opinion? In Canada we are facing the problem of a new building, and wonder whether there is any advantage in closed circuit television for corridor control.

Mr. LITCHFIELD: The last time I talked with the commissioner in Sweden, when I was in London with Director Myrle Alexander, six years ago. That commissioner was the administrative representative to the congress I attended. Each of the western countries was represented by the same grouping, an administrator and an architect. We knocked each other out for a week. The commissioner from Sweden spoke of the television they are using for supervision. I discussed it in detail. I have a very good friend, Dr. Bixby, a psychologist who has spent his life in corrections, and has studied in Sweden. His and my reactions coincide.

You are trying to get a machine to tell you if a corridor is safe, if the people in that corridor are behaving themselves or attacking somebody. You are replacing a human being by a machine. A machine can do a function, it can tell you what you want it to tell you. But it does not tell the group, that you are observing, what it is they are doing wrong, how they should do otherwise and still achieve the same end. You are taking out the human contact, how far can you withdraw that human contact. The whole rehabilitative process is human contact?

There is an approach to correctional design that will require variations in design in the same institution. To find out how much trust one can place in the inmate, how near he is ready for release or transfer at certain times, it might be advisable to sort of steer away from locked up cells and provide areas, for instance, where there are rooms, not cells, toilets not in the rooms but central toilets, and central showers in groups of, say, 20. In a situation such as this television could be helpful at night to cut down on the staff. A man not assigned to a room cannot get in it unless the man in the room lets him in. To get back to

the room you have to have your own key, but unlocked from the inside so that you can always get out of the room. During the active period there should be people in that area. Television is a machine and it will do a function. It is not going to do a human contact function, to observe if a man is ill.

Senator FOURNIER (*Madawaska-Restigouche*): No, I think we understand what you are saying.

Mr. LITCHFIELD: You are losing human contact, which is all you have.

Senator FOURNIER (*Madawaska-Restigouche*): That is right.

Mr. WINCH: And also the psychological impression that anyhow he is being watched.

Mr. LITCHFIELD: The effect is lost because you are no longer trusting.

Co-CHAIRMAN (*Mr. Watson*): I have a question relating to dining facilities in the C.P.S. design. Given the concept that you have learned about, this concept being a group of facilities, a complex of facilities, under those circumstances would you consider that outside kitchen facilities with food coming in makes sense, or do you not think it makes sense.

Mr. LITCHFIELD: When I first saw this plan in Baltimore, and after talking about it later on, I did not realize that this was a part of a family with other institutions near by, and I criticized that in my own mind, not having the kitchen in here. Since it is a part of, say, three other institutions and they are all close together, it only makes sense to have the food prepared in a common facility and not have three or four kitchens. Today we have the techniques for keeping that food warm; it will not be quite as good, but it is as good as you will get on the 25th floor of a hospital.

Mr. WINCH: Or an aeroplane.

Senator FOURNIER (*Madawaska-Restigouche*): Or some of the hotels.

Mr. LITCHFIELD: It is common sense to have a common kitchen, and kitchen facilities are very expensive, they take a lot of room.

Mr. PRICE: Mr. Litchfield, you have been standing there a long time and have had a long session, but I would like to follow that up.

Mr. LITCHFIELD: I am enjoying it.

Senator FOURNIER (*Madawaska-Restigouche*): So are we.

Mr. LITCHFIELD: I am not criticizing anything. I am talking philosophy generally.

Mr. PRICE: What about the dining arrangements in the institution? The conception in this institution is that the dining will take place in these small day rooms adjoining the cells.

Mr. LITCHFIELD: Yes.

Mr. PRICE: I take it that some of the prisoners will be served in the cells. What is your feeling about this kind of arrangement?

Mr. LITCHFIELD: I would like to have flexibility in dining. I think that in this institution you will have to feed some of the men in their cells; you cannot do otherwise, particularly back in this area where you are under separation—some in small groups, in therapy treatment groups. This is good. But as you are getting ready to go out to the medium, I believe it would be advisable to have a 50- to a 200-man dining room, for instance, because they are going to have that in the medium. This is another good method of a trial of the adjustment of the inmate.

Mr. PRICE: How many do you think those day rooms will hold for dining purposes?

Mr. LITCHFIELD: You have got about three day rooms on the second floor. They will hold in the neighbourhood of 20 to 30 in that area.

Mr. PRICE: This is to accommodate a group of 150, is it?

Mr. LITCHFIELD: You are broken into groups of 30 roughly, and you have three of those rooms. You are having two seatings at roughly 25 in a room.

Mr. PRICE: I take it that if you plan those three rooms for dining sit-in, those rooms will also serve educational purposes, group therapy. Is this a reasonable combination of functions?

Mr. LITCHFIELD: I do not like that particularly, having the smell of cabbage, and so on, carried through the rest of the day during therapy and educational meeting.

Mr. PRICE: What about furnishings?

Mr. LITCHFIELD: In winter time you will not have the windows open because of people sitting near the windows.

Mr. WINCH: Do you think you can get away from cockroaches under that system?

Mr. LITCHFIELD: You are going to have them and they will have to be exterminated.

Mr. WINCH: Can I just follow that up with a supplementary, because this raises a most interesting point. This is a question that I raised when we were in Washington. At Marion, this maximum super security, we were informed that although, as you say, your hospital patients and your dissociation cells must be served in cells and so on, under no circumstances would they get away from the main dining room. Do you agree with that? That is at their maximum security.

Mr. LITCHFIELD: I can sympathize with that statement. There is a great deal of trial and error used in these big dining rooms. You can find out what the reactions of the inmate will be in a large group. I do not think that any psychiatrist or psychologist can come to a true evaluation of everybody just by tests. I think you will have to have some trial and error, and that is what I think they are talking about. How are they getting along in a group? They are going out some day anyway, going out into the community.

Mr. WINCH: In your drafting of these 31 institutions, do you draft for a main dining room, and if so why?

Mr. LITCHFIELD: I think there is an advantage in the early stages of keeping the therapeutic group together to get fed up with each other, so in the early stages of indoctrination it may be advisable to eat in a relatively small group of 20 or 25.

Mr. WINCH: But you would not be doing that in a maximum security.

Mr. LITCHFIELD: Why?

Mr. WINCH: They have been sentenced to two years or more and they are in.

Mr. LITCHFIELD: But sentences are not in agreement with the scientific facts of human behaviour. We have not gone that far yet. We will some day. Sentences are one thing, but what the human being requires is another thing. Often they are not long enough; often they are not short enough. That is one of the things we are hoping to be getting to. Society is still taking its pound of flesh, so our courts are often ruled for that pound of flesh. Often the inmate does not need to be there that long and is harmed by being there that long; he is ready to be released before the sentence is over. One thing we are trying to do is not to get people institutionalized. I think I maybe talking 30 years ahead of time.

Mr. WINCH: I hope not.

Mr. LITCHFIELD: So do I. We are just hoping to heaven that we are not raising a bunch of people who have to stay in these places. We want to get them out earning their living.

Mr. WINCH: Get them away from that concept to the rehabilitation concept.

Mr. LITCHFIELD: Society has not let us do that.

Senator FOURNIER (*Madawaska-Restigouche*): If we embark on this we shall have a long argument which will go on all afternoon, because this has reference to statistics that we get from every country now. It is increasing and I do not think we should touch on that at this moment, because it will get worse.

Co-CHAIRMAN (*Mr. Watson*): We have had a long session this morning and we have really given Mr. Litchfield a terrific workout. I wonder if we could have the agreement of the committee to meet again this afternoon at 3.30. We have found out that Mr. Simpson and Mr. McLeod will be available for questioning this afternoon. I think that there are some questions that we all would like to ask these two gentlemen and we would like probably to ask some further questions of Mr. Litchfield. He is going to be available again this afternoon.

Would the committee agree, then, to meeting this afternoon at 3.30?

Hon. MEMBERS: Agreed.

Co-CHAIRMAN (*Mr. Watson*): Thank you very much, Mr. Litchfield. We will see you again this afternoon.

Mr. WINCH: Thank you very much indeed, Mr. Litchfield; you were most helpful and informative.

The committee adjourned until 3.30 p.m.

Upon resuming at 3.30 p.m.

Co-CHAIRMAN (*Mr. Watson*): Senators, members, we will start our meeting this afternoon by giving you an opportunity to question Mr. Litchfield again. I think some members have indicated that they have further questions which they would like to direct to him and then we will call upon Mr. MacLeod and Mr. Simpson for questioning because I know some of you would like to direct some questions their way. I understand Mr. Price had some questions to ask of Mr. Litchfield.

Mr. PRICE: I would like to get some details on the record. First of all let us start with the library. Can you give us some indication of the size of the library and the kind of facilities provided? I want to go through the library, the day rooms and the medical facilities to get some kind of idea of what kind of resources are being provided in this institution.

Mr. LITCHFIELD: I would like to say, since Commissioner MacLeod and Mr. Simpson are here, that I am not here as a critic in any way. I have been asked questions and I have given answers as to the way I would have done it if I had been asked to do it, and I also apologize for the fact that I have not had hundreds and thousands of hours with you and with Canada such as Mr. Hellmuth has been privileged to have. So I am talking without having the problem in detail in front of me. As I say, I am not being critical, I am simply trying to be constructive in answering the questions that are put to me.

At first I think Commissioner MacLeod will have to tell us how the little book room is operated. It is a small room. I would suspect from looking at it that it is or it may be a central depository where the books are carted from around the different blocks. I am not sure of that. I am only supposing that that is the case. It is not a central library such as we would interpret it for an inmate to go to and read in.

Mr. WINCH: If I might add to that and put it in this way—the way you design institutions in the United States, what do you consider is required for floor space on the inmate basis?

Mr. LITCHFIELD: Again, is there a central library for the four institutions in the family complex? Is this a sort of joint or branch that is always being exchanged from the central? The library in itself is to me a very interesting study in the use of the library. Personally I would like to be able to think that

an inmate group, and you are thinking in the neighbourhood of 30 in a group, would go there as a group—would be exposed to the use of a library, and what it contains, and then there would be the borrowing and taking back to their rooms and the use of the books. We have always tried to have inmates in a pleasant library.

Mr. WINCH: Your view is that the ultimate of what you think is most beneficial is a library which is not a storeroom but a library—a reading room from which the books can be taken out for use outside?

Mr. LITCHFIELD: It would be both. It would be the containment of books or of the book stock, but could also be used for small groups of inmates where they would be exposed to the knowledge of the library sciences.

Co-CHAIRMAN (Mr. Watson): You have posed a number of questions, Mr. Litchfield, with regard to the library. I suggest we should follow this procedure if it suits you. We could ask Mr. Simpson to answer those questions at this stage, if you would like that.

Mr. LITCHFIELD: I don't understand this, and if the commissioner would enlighten me, it would be very helpful.

Co-CHAIRMAN (Mr. Watson): I think we will ask Mr. Simpson to reply to that specific question.

Mr. Ian B. Simpson, Facilities Planning Officer, Canadian Penitentiary Service: I think I should make a slight preamble. One of the planning concepts we had was to reduce as far as reasonably possible inmate movement, and if this can be avoided by some satisfactory method, then it is an advantage to the operation of the institution. The library system envisaged for the maximum security is that there will be library lists available to inmates, and they will fill in chits for the library and ask for certain books, and as far as I know there is no restriction on the number. Then when a particular day comes around a library wagon will go to a particular cell wing or cell block and the inmates there will receive the new books and give back the old ones. There will be no actual inmates going to the library except those going there for the purpose of organization. Then the library itself is backed up by the interchange of books between institutions, and if necessary a back-up of book storage in the main store.

Mr. LITCHFIELD: I might interject here that the use of the library has been a very interesting study for me. I have been a member of our library board for a quarter of a century, and I am about to get off it, and I have been president of the board for many years. I have always felt that a good deal can be done depending on how far you have the money to go. The things I am talking about are enlargement and it is costly. It is not peanuts. It is important to stress that point, and I understand that you would have, and in fact do have, an economic problem, and you have to weigh just how you are going to answer that.

Mr. PRICE: In the institutions that you are designing, what kind of library appropriation in the terms of numbers of volumes would you contemplate? You have two things, the space and the volume content.

Mr. LITCHFIELD: We are looking very closely in the general matters of library conditions. The chairman of the library committee for the American Institute of Architects happens to be a New York State employee, and we are working together, and we are not far apart. They are very hopeful that there will be in an institution or in a group of institutions—here will be available not less than 10,000 volumes not counting those that are educational. That does not mean in a family of institutions such as you are creating. It would be 10,000 in each family and there would be at least that in your complex, and as Mr. MacLeod knows each part of his different elements are all trying to get the maximum. So, you are

the gentlemen who are asked to say how much each shall get out of that \$7 million; and I have never been jealous of that position.

Mr. WINCH: This is not quite the picture from my point of view. It is not so much the matter of money, because if you spend let us say a dollar and do not get results, they become recidivists. If you spend two dollars and a number do not become recidivists, you are saving money, not spending it.

Mr. LITCHFIELD: And you are never positive of the facet of the program which is really attacking that recidivism. There are all of those facets we were talking about this morning. Now we are introducing another one, the exposure what has been put on paper, and of the relationship with another profession, the profession of librarian. I do not think that any of us can put a finger on the percentage of help a library can do, but it is improving the breadth of a human being's knowledge.

Mr. SIMPSON: Mr. Litchfield commented on the useful work librarians can do in having group meetings with inmates and endeavouring to assist them to use the library more effectively. We look upon this as a week-end or an evening activity which would take place in a group, where the librarian would go to where the inmates are rather than the inmates going all the way down to the library; and the system which we devised we do not see in any way as restricting the inmates' ability to use the library.

Mr. LITCHFIELD: We are also thinking of creating in the core of housing a quiet library combination houserom where we would hope that there would be a collection of say 200 in that particular quiet room, with the added change of environment that that room is giving to the housing complex.

Co-CHAIRMAN (Mr. Watson): Do you have any knowledge of any experiment in any institution in the United States where they have tried a library distribution system similar to that which Mr. Simpson has outlined?

Mr. LITCHFIELD: A way back, Austin McCormick was particularly interested in this at Lewisburg. He was one of the assistant directors, a highly respected gentleman throughout the world. At the present time there is a collaboration between the chairman of the library committee and one of the institutions in New York. This is a huge institution, away beyond your population, but they are going as far as a central library for the in-training, a central library for those who would be legal inmates, and a general library for all inmates. Yes, it is under way.

Co-CHAIRMAN (Mr. Watson): So there is some precedent?

Mr. LITCHFIELD: I do not recall which institution it is, I would have to go back to my papers. It is a communication since the meeting in Baltimore.

Co-CHAIRMAN (Mr. Watson): If you were designing a new prison would you feel that there is a therapeutic use to a room which is used as a reading room and a library as such?

Mr. LITCHFIELD: I feel so. I feel that this grouping in the housing of a separate hobby room, trying to create a home atmosphere such as you would get in your home, with your counsellor, a quiet room, a library branch, and a hobby room, and your combination day room and dining room, would be good, such as I showed you this morning.

Mr. WINCH: Could I ask a supplementary, because you have brought up two points we are interested in, and only one of them was touched on this morning. First, you believe in the therapeutic value of a hobby room, a common hobby room, is better than the fact they only pursue their hobbies in their own individual cells?

Mr. LITCHFIELD: Yes. It could be done with more direction. For instance, if you had six or eight in a hobby room you could then afford to have a certain amount of time, direction from the staff, to improve the talent. A hobby can be

painting, it can be sculpture, it can be working with leather—all kinds of things, but it has to be what that individual is interested in.

Mr. WINCH: Just to follow that, I am very glad that Commissioner MacLeod and Mr. Simpson are here, because I mentioned this morning that when we were in Washington at the bureau they were most emphatic that outside of those in a hospital or those in this association, meals should be served there, but that otherwise they should be served in a common dining room because of bringing the men together. It was most interesting the way it was given to us. Mr. Alexander said that the records in the United States proved that only in a very small number of cases is trouble ever started in a dining room. He said the therapeutic value of men sitting down was such that they would give no consideration to serving the regular inmate in a cell. Now, is that your impression?

Mr. LITCHFIELD: As I said this morning, no two architects, no two individuals ever see the problem alike. From what I have observed there is a real advantage—and I said this this morning—in having a therapeutic group, that is, people undergoing therapy as a group, eating together, living together, learning together, working together for a period. This is a group which must be selected by the classification group.

Then there is a group which, by discipline and by their acts within the institution, will have to feed in their cells for a period. As to how many of these therapeutic groups you would be able to afford in these maximum institutions, I could not answer.

I think that most of the development of corrections, as it is being considered today, stems from the experience accumulated from the Highfields, New Jersey, therapeutics group and the success they had with it. That is one of the things making a terrific change in correction design.

Mr. WINCH: I notice that in Marion, the super maximum security, they have only one main dining room.

Mr. LITCHFIELD: I do not agree with that. I do agree that there should be some smaller ones and that there should be a large dining room. These people are going to be in the medium security soon and then they are going into a main dining room, and there should be some experience in that.

I feel that there should be at least these two types. I understand why they are in small groups. I hope it is because of the therapeutic program.

After a period there should be trial and error in the larger group—unless you are going to make a mistake.

Mr. WINCH: If you follow on the therapeutic angle, we have a design at the moment with a combination of three rooms, which will hold approximately 30 for meals. Then you have classrooms. But in the middle, there is a custodial centre.

From a design point of view in penology, as you understand it in the United States, what is the therapeutic position—where, on a triangle you have a combination of small eating rooms, which become classrooms, and they are eating and studying, when in the middle you are not trusted, you are a custodial. Can you comment on that?

Mr. LITCHFIELD: You are repeating a question dealt with this morning and I will try to recall my answer. I do not understand the three points, I said that this morning.

Mr. WINCH: I know I asked it this morning but because the commissioner is here I think it is of help to us if we can have agreement between the two on this type of thinking.

Mr. LITCHFIELD: From the other points of view, and from the group therapy and from the educational points, I am questioning whether the environment created, with the control in the centre, is the correct environment to absorb or to keep interest in what is in the classroom or what is being discussed in group therapy.

Co-CHAIRMAN (*Mr. Watson*): In effect, this C.P.S. design will have a man on guard—we can find out that from Mr. Simpson—within a control booth who can see the educational process going on, and also the group therapy experience once a week, as Mr. Simpson suggested. Your contention, as I understand it, is that a guard watching all these activities tends to inhibit these activities.

Mr. LITCHFIELD: That would be my impression, that it would be a deterrent to the things going on. That is the impression I have from my experience.

Mr. WINCH: We should try to review the various facilities. Regarding the combined auditorium-gymnasium, could we have some impression from you as to the size of facilities provided? What kinds of things are done in the kind of gymnasium contemplated in the design?

Mr. LITCHFIELD: As I interpret the plans, you have a flat floor auditorium, which you can use as a gymnasium. You will be limited to the number you are going to put in that gymnasium at one time, by your own program.

These additional areas are cheap to build. I wonder why there are not in the neighbourhood of three such areas, so that there could be at least three groups going through at any time.

Mr. PRICE: Can you give us some idea of the size of the facilities for athletic purposes? Can you play basketball there?

Mr. LITCHFIELD: I did not check a basketball court, to give you the size. I would have to go to a book on that and compare it with these facilities. Mr. Simpson has these figures also. Am I correct that there is only this one room? I am merely suggesting that it is rather small. There is cost involved here. You have 450 people.

Mr. WINCH: I admit that there is cost involved and I never overlook that. I did not write the particulars down and it may be a couple of weeks before we get the transcript. I would like to get it clear. As to these views now being expressed across the United States on penology construction, what did you say should be or is now, in the latest or in the later planning, the number of square feet for library, education, and recreation, per inmate?

Mr. LITCHFIELD: The policy has to be created by the commissioner, as to how many he has in a classroom. We like to have as near as possible to 20 square feet in a classroom, per person. It has to be a small group in this type of institution, as these are not people who are taking kindly to formal education.

Mr. WINCH: I did not mean that. In the overall institution, on the square foot basis, what is it for education, library and recreation?

Mr. LITCHFIELD: I gave you figures this morning, and I think this is what you referred to. What I put in was the square footage, per inmate, combining education, recreation, library, and religious facilities. It works out, in the Connecticut institution, for 1,100 men—which is away too big—at 42 square feet per man, for religious, educational and recreation. Yours is, as I worked it out—and I could be wrong—about half that square foot per man. Is that about right, Mr. Simpson, around 20 or 21?

Mr. SIMPSON: Do you want me to come in on this?

Mr. WINCH: Yes because to the committee this is of great interest.

Mr. SIMPSON: There is one aspect of this which I think should be cleared up right away. In the six day rooms which are around the group of 150 cells there is one room which is labelled classroom. That is not a classroom which is used for full time academic instruction during the day. Those classrooms are to be provided in the "daytime activities building" or, as we have called it, the workshops building.

Mr. LITCHFIELD: You mean in the industries building?

Mr. SIMPSON: The full time academic program is not carried in that particular classroom. The day time activities building, or the workshops building as it is called, is the place where inmates will go for their day time activity, and if it is full time academic activity there will be classrooms set up for that.

Mr. LITCHFIELD: In that big industries building somewhere?

Mr. SIMPSON: In the industries building somewhere. This building is designed for the utmost of flexibility so that the spaces can be changed and the function of the spaces can be changed as and when we want to for a change of activities.

Co-Chairman Mr. WATSON: It is designed so that it can be increased in size?

Mr. SIMPSON: Certainly.

Co-Chairman Mr. WATSON: The industries building?

Mr. SIMPSON: Yes. The industries building is approximately, speaking from memory, 62,000 square feet.

Co-Chairman Mr. WATSON: As I understand it, you are saying that if you decide to put an adult education course in the industrial shop area you will erect partitions between the floor and ceiling?

Mr. SIMPSON: Yes.

Co-Chairman Mr. WATSON: My knowledge of industrial shops envisages a fair amount of noise.

Mr. SIMPSON: There should not be. The partitions are masonry and will be relatively soundproof. If a single wall is not sufficiently soundproof we will put in two walls. For the school area we would pay particular attention to soundproofing. The other aspect I would like to comment on is the recreation space. For six months in the year the favoured recreation space for the inmates is outside in the open air in the exercise field, playing softball, shuffle board, whatever you like.

Co-Chairman Senator BENEDICKSON: What is the participation, a large percentage?

Mr. SIMPSON: Very large. During the winter time we also have outside recreation by way of ice hockey and curling. During recreation periods there will always be inmates who will not wish to go outside for these recreation purposes. This multipurpose auditorium exercise room is designed, as I recall, on the basis of two volleyball courts playing on the one floor. It is not designed as a full sized basketball court.

Mr. LITCHFIELD: That is not too important.

Mr. SIMPSON: The main function of the exercise auditorium is really for groups going to watch movies, which will take place maybe four or five evenings a week, by virtue of the limitation we hope to place on the numbers of inmates who at any one time will be in any one place. At a movie there would be around 100.

Mr. LITCHFIELD: You in Canada place more stress on outdoor winter sports than we do in the States. There is no question about that. Ours is basically basketball, volleyball, handball and those kinds of things. There seems to be a bit of reluctance in the States generally, in the northern part, to do a great deal of outdoor recreational work, which is different from Canada.

Mr. SIMPSON: This obviously depends upon the type of inmate we are dealing with. There will obviously be some inmates in the institution who would not have the privilege during the week of going out in the evening to curling, there are other inmates in the institution, who are being prepared for medium security, who would have this privilege, and the whole basis of the design is to give flexibility to enable different programs to be carried out amongst different groups of inmates and to avoid putting them all together in one place at one time.

Co-CHAIRMAN (Mr. Watson): I wonder if we could now switch our questioning to Mr. Simpson. I know I have some specific questions I want to ask him. We will come back then to Mr. Litchfield, unless anyone has further questions for Mr. Litchfield now. Are there any further questions for Mr. Litchfield now? There will be later, I am sure.

Mr. PRICE: I would like to clarify one point for the record, because I think it is pretty crucial, and that is the question of corridor supervision. I understood you to say this morning that to supervise corridors adequately it is necessary to have custodial men in those corridors in some fashion or other?

Mr. LITCHFIELD: From my experience it has been.

Mr. PRICE: I think that is important. There are other questions I would like to ask Mr. Litchfield, but I would sooner the discussion now shifted to Mr. Simpson.

Co-CHAIRMAN (Mr. Watson): Does anybody have any questions for Mr. Simpson? If nobody else has at the moment I will lead off. Mr. Simpson, we heard evidence this morning from Mr. Litchfield that if he were designing a prison he would attempt to eliminate as much as possible corridor space.

Mr. WINCH: As corridors.

Co-CHAIRMAN (Mr. Watson): As corridors. My understanding of his testimony is that the C.P.S. design has a great deal of corridor space which will require in turn additional custodial personnel. With the four control points that you have in your design and the linking corridors which Mr. Litchfield feels will require custodial officers in the corridors as well as in the control points, how many men do you anticipate using for these purposes at the four control points? We are talking about all shifts, the total complement of men used for these purposes, for the control points and the corridors.

Mr. SIMPSON: The three living unit control points are 24-hour control points.

Mr. PRICE: Is that one floor or two?

Mr. SIMPSON: It is at split level, so there is one control looking after one group of 150 cells. Those three control points are on a 24-hour basis because there will be activity throughout the whole 24 hours.

Co-CHAIRMAN (Mr. Watson): But there is a central one as well.

Mr. SIMPSON: I am coming to that. The Dome, as we call it, the central one, is a 12-hour or thereabouts control point, because once inmate movement has ceased, once the inmates are back in their cells or wholly within the confines of the 150 group unit, there will be no need for an officer in the centre dome.

Mr. PRICE: What about going to chapel or the auditorium?

Mr. SIMPSON: If there is inmate movement there will be an officer there but once inmate movement has ceased there will not be an officer there, he will be withdrawn. The third point is that the institution is designed—and it has been specifically designed for this—that for all normal purposes when the institution is running normally there will be no need whatsoever for officers in the corridors. An inmate leaves a particular place to go to another place, and he either goes in a group or he goes singly. If he is going singly for some special purpose, for instance for an interview, the officer in charge will give him a chit. If it is a group of inmates going from a living area to a particular workshop, they can go unescorted. There is nowhere for them to go off the corridor until they get to the end of the corridor, and that is the basis of the corridor system.

Co-Chairman Mr. WATSON: How long are these corridors?

Mr. SIMPSON: The longest is 198 feet and the shortest is approximately 120 feet.

Co-Chairman Mr. WATSON: We have heard it argued that in a corridor of 150 feet—and you say they are somewhat longer than that—it is almost impossible for an officer sitting in a control point to detect a malfactor in a group of men walking along. It would be almost impossible for such a custodial officer to see, one man in a group shoving a knife into the side of another man walking along in this corridor; it would be almost impossible to see who it was. And this could happen, if a group of men were walking along in a corridor.

Now, does the incidence of this sort of thing in Canadian prisons lead you to believe that there would be a danger in your corridor system of this developing, if there were no guards in the corridor.

Mr. SIMPSON: I think the answer to this, Mr. Chairman, is that, firstly, we hope by our system of weapon control and potential weapon control, by control of materials in the shops and by use of metal scanners, to reduce to a bare minimum the possibility of inmates obtaining or fabricating offensive weapons.

Co-Chairman Senator BENIDICKSON: Is this something that has not been done up to now?

Mr. SIMPSON: We are doing it at the present time in our maximum security institutions, but due to their design it is somewhat neffectual compared to the way in which it could be done in this institution.

When I say "normal institutional conditions," this presupposes that no inmate will have a weapon to stick into somebody's back or stomach. If this should happen, on the other hand, the officers at either end of these corridors—because every corridor, as you know, is looked at from both ends, not just one end—would detect it immediately. It will be immediately apparent to the officer at one or other end that something has happened: that an inmate has fallen down or somebody has started shouting or that there is a disturbance of some sort.

Now, the immediate reaction of the officers to this type of occurrence would be not to let the inmates out when they got to the end of the corridor. One of the most serious problems we have in existing institutions in detecting what has gone wrong when something like this happens is that we cannot say precisely which inmates are involved. In this particular case we would know precisely which inmates were involved and they would stay in the corridor until other officers were brought in to deal with the incident.

This, as I understand it, is a pretty rare thing in any event.

The main purpose of the corridor system, as I explained the other day when I likened it to air traffic control, is that it is to enable us to effectively control movement. Therefore, the corridors are enclosed and covered and they are short

corridors, because for half of a year in Canada the weather is such that it requires a certain amount of enclosure.

Of course, in the medium institution buildings, in which the buildings are much farther apart, the inmates are dressed in out-of-doors clothing, and it is a fact that the corridor system there is simply not the same as in this institution; the weather there is no problem.

In this institution, however, the corridors are short and they would be heated and enclosed. The sum total length of the corridors compares very favourably with the alternative design under the "telegraph pole". The sum total length involved would be similar.

We have broken it down into six short separate units.

Mr. PRICE: The effectiveness is that you have, through a key, central part of the whole institution, a place where the inmate will never come in to face to face contact with an officer because the essential contacts are behind something.

Mr. SIMPSON: For an effective inmate training program your effective contact with inmates and staff occurs in places like the workshops and classrooms, where the inmate is located for a period of time—a morning or afternoon, or half a morning or half an afternoon—and not just one and a half minutes to two minutes in the time he is walking from his cell to the workshop. And in walking from his cell to the workshop he passes only two or three officers out of a total officer strength of over 200.

The effective inmate training program is face to face contact with the officer, but it occurs in a place of work or a place of activity.

Mr. PRICE: Coming back to a point you made earlier, and heaven knows no one is going to be entirely unrealistic about this, some sort of feeling of trust must be conveyed in the feeling of the staff toward the inmates. My thinking on this is fortified by my observations of what might be called the "catwalk" in the building—and perhaps that is irrelevant since they have not built one of those since 1905.

Be that as it may, the overwhelming impression I get from trying to visualize myself in the position of that inmate is that I am watched in a very oppressive sort of way every time I move from one place to another.

Mr. SIMPSON: I am talking now as an architect and planning officer close to Penitentiary Service. I think it is impossible to disregard the fact of the potential of the inmate to do harm to another inmate or to an officer.

Mr. PRICE: What about Marion, Illinois as a contrast?

Mr. SIMPSON: It do not know. As I understand Marion, Illinois, it is a special institution with a special type of inmate.

Mr. PRICE: What is so special about it? Are these inmates not by and large seriously aggressive?

Mr. SIMPSON: It may be that the inmates they have selected have demonstrated the most chance of favourable reaction to the program of treatment which is being undertaken in conjunction with the university.

Now, if I may mention an incident that took place in one of our institutions the other day, an inmate, as I understand—and the commissioner will correct me if I am wrong on details—an inmate who had been reprimanded by an officer in the workshop for having failed to do his job properly chose to assault that officer. I believe he broke his nose and severely damaged his face. There was another officer in the cage, which is the same as the gallery, who, when it looked to him as if there was an ugly incident developing because of this assault, with other inmates becoming involved, fired one round into a wall high up. The other inmates immediately stopped whatever they were doing and clustered in a corner. Two or three officers came in from outside when they had been notified

of the incident. The particular inmate stopped what he was doing when the rifle was fired, and was taken out of the shop.

This sort of incident can happen at any minute of any day in a true maximum security institution. This is the biggest problem, speaking as an architect, in designing maximum security institutions, because you have this essential conflict between the endeavour of the architect to create an environment which will assist the program of inmate training and the grim, ugly realities of the potential behaviour of inmates.

Mr. WINCH: This is the point I admit I cannot yet understand. I do not think there is any differentiation at all between the criminals of Canada and the criminals of the United States. Yet in 1963 they completed the Marion institution which is, on the federal level, their super maximum security. They told us definitely it was their super maximum security prison.

Mr. PRICE: It was designed as such.

Mr. WINCH: And the types they put in there were the types they had to move from Alcatraz—their most vicious types, mostly of a younger age.

Yet their plan was only completed in 1963. It is maximum security, yes; but the custodial aspect is of such a nature that, whilst getting security, their design and their staff are such that it does not appear that you are completely, constantly under watch.

Also, in Washington—and this may have been the next day when we were able to meet with them individually—this matter of the guardrails in the workshop and catwalks came up and they said “We have never built one like that since 1906.” They said that in every prison where they had them they had either been torn out or they were tearing them out. Now why the difference? I cannot understand it. If this is the thinking down there—surely their criminals are basically the same as ours, so why is their approach different and why is their architecture different? This has been playing on my mind.

Mr. A. J. MacLeod, Commissioner, Canadian Penitentiary Service: You must remember that in the United States the federal criminal law is not the basic criminal law throughout the country. You don't get all the murderers or all the aggressive assault cases or all the armed robbers—it has to be a special type of federal crime, like holding up a federal bank or someone who holds up a bank and then crosses a state line before you get into the field of federal prisons. But in our system we get the entire range of convicted criminals in Canada from coast to coast who are sentenced from two years up to life imprisonment or to indefinite detention. So we have a much more difficult group to deal with in Canada than the Federal Bureau has to deal with in the United States.

Co-CHAIRMAN (*Mr. Watson*): Now, you may have had more experience in this than I have—

Mr. LITCHFIELD: Let me interject for a moment to concur with what the commissioner has said. By and large the federal inmates are a higher class vocation of intelligence. They are breaking laws that take greater intelligence than the average in the maximum custody of the fifty states. This morning you ask me about the catwalks and I don't think you got very much of an answer from me because how far one can go, I don't know. Nobody knows. You would hope you would not have to use them, but there could be these incidents.

Co-CHAIRMAN (*Mr. Watson*): Have you had any catwalks incorporated in your 31 designs or in the designs you are responsible for?

Mr. PRICE: I have seen a breakdown of the prison population which shows that there are now approximately 19,000 serving in prisons, and 80 per cent of them are serving sentences of more than two years. I grant you that the kind of

things they ordinarily are subject to under the federal penal law in the United States is much more restrictive than the full range here. I discussed this with one of the officials of the Bureau of Prisons in the United States and I tried to calculate to see whether our population was that different. This was an informal discussion, and did not lead to any definite conclusions. However, I would like to know if you have studied this. I would like to know, for example, what proportion is constituted of the assaultive type of case.

Mr. MACLEOD: We did not think it necessary to do a comparison between the Canadian federal inmates as compared with the American federal inmates and the state prisoners and those in the United Kingdom. We tried to design a type of prison to cope with our own Canadian problem as we saw it, and as our own officers with many years of experience told us it existed.

Co-CHAIRMAN (*Mr. Watson*): I wonder if you could answer this question. It has been brought to our attention that American correctional authorities say that of the total American prison population, that is federal and state, 15 per cent are maximum security cases, 50 per cent are medium, and 33 per cent are minimal, and 2 per cent are the special maximum security type for special detention. Now there seems to be, as we have understood it in this committee—we have understood from your people that you consider that up to 30 to 35 per cent of our prison population are maximum security cases. How do you explain the difference? Our prison population cannot be that much worse than the American?

Mr. MACLEOD: I don't see how out of 51 jurisdictions they could come to such a conclusion. California itself is certainly going to be a lot different from Vermont and Wisconsin will be different from New York.

Co-CHAIRMAN (*Mr. Watson*): These were the figures that the American Correctional Association handled.

Mr. SIMPSON: If I may say a word here, I think the first difference that is going to affect vitally your statistics is the fact that in the United States count of minimum security you will get the inmates who in Canada come under provincial jurisdiction. We don't start on minimum security until a man gets a two-year sentence. This immediately is going to throw your whole statistic out of balance. We have in our system minimum security camps that provide more accommodation than we can fill. Now, taking the assumption that our classification system throughout is not all that far out of line, the count I made, I think about four months ago, is that our average across Canada was 14.7 per cent minimum security, but in the Maritimes, which is a more rural and less industrialized society, the count is 27 per cent. In Quebec and Ontario a change has taken place and the percentage was lower. It depends where and how you calculate your percentages.

Co-CHAIRMAN (*Mr. Watson*): Do you have any knowledge of the percentage as between the provincial populations?

Mr. SIMPSON: No.

Mr. PRICE: It all depends on the attitude to the offender. If you make an assumption based on the kind of experience where it has been said that people have been traditionally handled in this way, and that this is the degree of security required, fair enough. If on the other hand you take a different approach and say "What can we do with this case?" then you may find that many people who are now in a maximum security prison could be placed in minimum security.

Mr. MACLEOD: But you should remember that until 1960 we had over 6,000—about 6,500, and these were all in maximum security prisons. There had been no other experience until we started in 1959 and 1960—there had been no

other experience with medium security and none with minimum security. We have been trying for six years to develop a program which is a change from that in operation for 93 years, on a strictly maximum security basis. The result is that whereas six years ago we had only eight or nine institutions, we have now develop the number of institutions to thirty. I would add that in making comparisons with the United States system, it may be somewhat invidious because we are trying to develop our own Canadian system to deal with our own Canadian problems.

Co-CHAIRMAN (Mr. Watson): If I am not mistaken, it seems to me that our minister recently made some public statements to the effect that he was hopeful that the percentage of maximum security prisoners would be brought down to 20 per cent or 15 per cent. Is this accurate, or not?

Mr. MACLEOD: This is correct, Mr. Chairman, but we had to select something in terms of developing a building program. We had to accept some arbitrary standard and plan the system accordingly. If the program as we planned it works as we hope, recidivism would be less, and in that way there would be fewer true maximum security types, and the medium security would take up a higher percentage; but we are in no position at this stage of our ten-year plan to drop that arbitrary 35 per cent down to 20 per cent.

Mr. WINCH: There is a tough spot. You say now you cannot come down from the arbitrary 35 per cent to 20 per cent or 25 per cent; but we are facing this problem of an expenditure running into millions and millions of dollars for maximum security that may stand up for 50 or 75 years.

Mr. MACLEOD: That is right, but with a limited number of institutions at this stage, because the Ste. Anne des Plaines institution according to that design is to replace half of St. Vincent de Paul Penitentiary, which you know; and the Mill-Haven institution, near Kingston, is designed to replace half of Kingston Penitentiary, which you also know. If we have further delays, things will get worse and worse and we will not be making adequate provision for our maximum security inmates, whether it is for 35 per cent or 20 per cent.

Co-CHAIRMAN (Mr. Watson): To get back to the actual designing, on the question of rooms off each control centre. There are three control centres and six rooms off each—three on each floor. Now, it is my understanding that one of these is a class room, and the other is being used for dining purposes. I am concerned that if you are using these rooms let us say for recreation, such as pingpong, and another room for educational purposes, the group that you have there in one particular corner of the prison may find that it has members which will require a classroom experienced in one of the other corners, and instead of cutting down on the movement within the prison, which you say your plan is designed to do, instead you will be increasing movement, because you are either increasing movement by having to bring individuals from one corner to another in order to fit them in with your educational requirements or capacity, or the people in charge will take the easiest course and keep them in a classroom where they are either going to be above or below the level of a subject which is being taught in that particular class. Now, how do you foresee this being used for educational purposes with such a diverse group of people?

Mr. SIMPSON: I think the answer is, firstly, that for the true maximum security inmate, motivation towards what is conventionally known as "education", is somewhat limited if it is only available to him in the evening. In other words, the main amount of an educational program that the inmate is likely to accept is a day-time activity. The room shown in the drawing as a classroom is for evening activity of student-teacher relations. Now, this, as I have said before, could be stamp collecting, it could be a good books group, it could be any one of

many types of activity which is concerned with an instructor. Similarly, all six rooms, including this room, are capable of being used in that way, with tables and chairs, chalk board in each room, and so on. So the room changes its function according to the time of the day.

Mr. PRICE: Does it not hinder the planning?

Mr. SIMPSON: Not basically, because a table and chairs is a standard form of furniture which you can use for anything. At Joyceville institution, which is medium security, there is this type of day room in which the meals are taken in and out and the wagons are taken back.

Mr. PRICE: What is the relationship of the control officer?

Mr. SIMPSON: The Control officer in the 150 man living unit—his prime function is the control of movement of inmates in and out of cells, and up and down stairs. That is his prime function.

Co-CHAIRMAN (*Mr. Watson*): I am obliged to interrupt you, because Mr. Litchfield has to catch a plane within an hour, and he will be reading the evidence he has given before he leaves.

Mr. SIMPSON: May I add one further sentence? If the instructor feels that the viewing of his space by an officer in this control point is deleterious to what he has to do, all he would have to do is to pull down the blind; it is as simple as that. If he feels he would like to have the officer looking at him, all he has to do is to lift the blind. Each of the windows can be equipped with a blind quite easily.

Co-CHAIRMAN (*Mr. Watson*): We will return to you, Mr. Simpson, but in the meantime are there any questions now for Mr. Litchfield?

Mr. WINCH: No. I think we should thank him very much for coming and for the completeness with which he endeavoured to help us. We greatly appreciate it.

Co-CHAIRMAN (*Mr. Watson*): We highly appreciate your frankness and the complete openness with which you gave us your testimony this morning, Mr. Litchfield. It was a worthwhile experience for all of us.

(At this juncture, Mr. Litchfield retired from the room).

Co-CHAIRMAN (*Senator Benidickson*): It was probably said this morning, senators and members, that we did get the fullest co-operation at Washington when you sent a subcommittee down there, and this is typical of the goodwill we can expect from our neighbours.

Senator FOURNIER (*Madawaska-Restigouche*): It has certainly been very interesting to hear what has been said by Mr. Litchfield and others. In the United States they have their own way of doing things and in dealing with their problems, which are different from ours in Canada. We are embarking on a new field. I do not say we are working in the dark but we are experimenting. This leads me to think that at this stage we are ready to embark on expenditures of hundreds of millions of dollars. On the other side of the story, I appreciate the necessity to do something, as the present conditions are deplorable. However, delay might be costly and give rise to serious problems. It leaves me half-way, thinking whether we are doing the right thing or not.

Co-Chairman Senator BENIDICKSON: I was impressed by the statement which Commissioner MacLeod made a short time ago about the shortness of time within which we have had a great transformation of policy and activities. We must keep that concept in mind.

Senator FOURNIER (*Madawaska-Restigouche*): I would be the last to detract from the changes which have been made in the last few years.

Mr. WINCH: In view of what was heard in Washington and today, from Mr. Litchfield who has been drafting institutions for three decades and who is chief consultant to so many states, I would like to have a comment from Mr. MacLeod and Mr. Simpson on what appears to me to be the impression, that in the case of Washington and Mr. Litchfield, they do not criticize what we do but say how they feel we should act. We have to make our own analysis and reach our own conclusions.

As I interpret it, they look rather askance at the idea of separating the operations.

All the evidence we have heard has been to the effect "consolidate your education and religious groupings; consolidate your hospitals and doctors and medical groupings".

Co-CHAIRMAN (*Senator Benidickson*): For the purpose of today's record, will you indicate some of the items of interest?

Mr. WINCH: We were received in Washington officially and some of us had an opportunity to stay over for another day to go into more detail with departmental heads. The evidence we received today from Mr. Litchfield leads me to this conclusion. The thinking of those people, who are dealing continuously with these problems, is different from the plan here, as I understand it, which is a division or break-up, instead of consolidation—making it hospitals, doctors, education, religious, et cetera.

Co-CHAIRMAN (*Senator Benidickson*): All ancillary services.

Mr. WINCH: The impression I have got from Washington and this morning is that they feel we are going too much into a break-down, providing divisional corridors, which they do not think is good. That was the impression I received and I would like to hear some comment on it.

Co-CHAIRMAN (*Mr. Watson*): I am not clear in my mind how many people you anticipate using for these corridors and control points.

Mr. WINCH: We were told in Washington, regarding the control points, on the whole week basis, working an eight hour day and a five day week, allowing for relief and for holidays, that at Marion, Illinois, a maximum security institution, with 650 maximum population, there are, for control points, 35 officers.

In our case, with 450 maximum population, I tried to check the numbers and estimate that it is 85 officers for the control points.

Co-CHAIRMAN (*Mr. Watson*): There was an error there, because we were taking control points for three floors and there are two and this reduces it to about 70. However, this could be wrong.

Mr. SIMPSON: If I may go to the board and illustrate it, I will do so.

Co-CHAIRMAN (*Mr. Watson*): Yes.

Mr. SIMPSON: For controls, there is a living unit here, a shops building here, a special handling building here, and so on.

Co-CHAIRMAN (*Mr. Watson*): I counted two besides the chapel. Have you allowed for those?

Mr. SIMPSON: This is a 24-hour post, this is a 24-hour post, this is a 24-hour post. Main Control is 24 hours. This one, shops, is 8 hours; special handling, let us give it the benefit of the doubt and call it 12 hours, it could be less. That means we have five officers to operate this post for every day of the year, five officers for that one, five officers for this one, five for that one; say two officers for this one and three for that one and three for that one.

Co-CHAIRMAN (*Mr. Watson*): That covers holidays and everything.

Mr. SIMPSON: Yes. You have five and five and five and five and two and three and three, a total of 28.

Co-CHAIRMAN (*Mr. Watson*): The Marion figure includes four control towers on the other side.

Mr. SIMPSON: I marked them here T, T, T; this tower is to be 24 hours and the opposite one 24 hours. The tower nearest to workshops here need only be an 8-hour tower, except in the summertime, when there is recreation and it will become a 12-hour tower; and this one used chiefly during recreational periods could be called a 12-hour tower also. You get the same basis. You get another five officers on that tower, five officers on that tower, three officers on this tower and three officers and that tower.

Mr. PRICE: There is the further suggestion—and I advance this with all deference—that from experience the expectation is you will find that you cannot get by with one man on that central rotunda, that it will take two.

Mr. SIMPSON: During the normal operation of the institution we look upon all the barriers round this as being open all the time, and all this man is doing is watching traffic movement or checking.

Mr. WINCH: All the way around? Has he got eyes in the back of his head?

Mr. SIMPSON: He can just move around his unit in here and watch movement. For a large part of the day there is practically no movement at all.

Mr. PRICE: Have you enquired as to the experience in other places? I understand this has been a pretty general problem at this central control point.

Mr. SIMPSON: The only institution I know which is comparable—and it is not really like this at all—is Los Padres in California, which has a big central quadrangle with four compounds or shop units. There is one man sitting in the middle here. He has gates to operate and has a whole series of T.V. screens to look at.

Co-CHAIRMAN (*Mr. Watson*): You will also need to have someone supervising the corridors. These men are stationary.

Mr. SIMPSON: They are all able to see both ways down each corridor.

Co-CHAIRMAN (*Mr. Watson*): You do not anticipate requiring any guards in these corridors?

Mr. SIMPSON: If the institution was tense, if some problem had occurred, you would have additional officers put in, maybe here; but the reserve force of officers is deployed more effectively to go wherever the problem occurs. This is essentially a traffic control operation.

Mr. PRICE: A further suggestion I have heard—it may have to be qualified by what you say about being able to block off the corridors—was that in an institution such as Marion—which I am using because it is a known commodity which we can compare—the way you space the officers along the corridor in the normal course of movement gives a very effective back up function, whereas here the only way you can back up is very circumlocutious, going down one corridor or another. That is a substantial distance and your people are dispersed.

Mr. SIMPSON: Except that we have pools of officers available. We have a large pool of officers available in the administration block, and in the daytime activities or workshops building.

Mr. PRICE: Suppose you have an officer walking on the corridor in the course of moving a group of inmates and they grab him. What happens there? What protection is there? There is no one to come to his aid. After all, they are shut in in the control points.

Mr. SIMPSON: There are plenty of officers here who can come to his aid. The routine would be to bring them in. The whole picture of this is that inmates do not do this sort of thing where they are being observed and where they know they cannot get away with it. This is the essential back up feature of this design of institution, that the inmate is observed. This may be detrimental to some types of inmate training programs, but I am certain it is not detrimental to those small number of minutes per day when the inmate is actually moving in the corridor system.

Senator FOURNIER (*Madawaska-Restigouche*): How many people would be employed in the whole institution, everybody? How many staff would you have?

Mr. SIMPSON: Two hundred and fifty.

Mr. MACLEOD: Two hundred and thirty five I think it would be.

Co-Chairman Senator BENIDICKSON: We got some figures earlier. I do not think I am far off in saying it was almost one employee for an inmate.

Senator FOURNIER (*Madawaska-Restigouche*): One to one?

Co-CHAIRMAN (*Senator Benidickson*): Almost.

Mr. SIMPSON: Two.

Mr. MACLEOD: I think it is one officer for every two inmates.

Co-CHAIRMAN (*Senator Benidickson*): That is what I meant. I meant one employee of each type.

Mr. MACLEOD: That is right.

Co-CHAIRMAN (*Senator Benidickson*): About one to two, yes.

Senator FOURNIER (*Madawaska-Restigouche*): You are going to a two-storey building. What are the advantages of that over a three or four-storey building? As far as cost is concerned it would be cheaper.

Mr. SIMPSON: We have gone to two-storey buildings in the living units. The other buildings, administration and shops building, are all single-storey. As soon as you have to introduce a staircase you are producing a security problem and a vision problem in seeing what is happening. This is why the only staircases in this design are located in these three positions where the officer in the control unit can see the staircases, they are right alongside him, all three of them.

There are economies in going higher. The major economy takes place when you go from one storey to two storeys, proportionately less if you go to three storeys and proportionately less when you go to four storeys. Above four storeys you start getting more expensive; by four storeys you are committed to elevators, and they themselves are unsatisfactory in a prison setting. We have taken the opportunity of putting two-storey buildings in the living units, where they make most sense and are relatively straightforward to supervise on the staircases, and we have got single-storey buildings elsewhere.

Co-CHAIRMAN (*Senator Benidickson*): Going back to Senator Fournier's question about the ratio of staff to inmates, speaking from memory I think we got a list of most of our institutions very early in our activity. It just occurs to me that that ratio of one member of the staff to two inmates seemed to prevail throughout all types of institutions, whether maximum, medium or minimum.

Mr. MACLEOD: That is right.

Co-CHAIRMAN (*Senator Benidickson*): Should that be necessary?

Mr. MACLEOD: Yes, having regard to the final program which has to be carried on. I would say in a maximum security setting you need probably more custodial officers on average than in the medium. In the medium you need

proportionately more technical, educational and counselling types of people than you do custodial. In the minimum security, of course, you do not need a proportion like that because you are not relying on any kind of physical security at all; you are just relying on staff attitudes and relationship to inmates to keep them from wandering off.

Co-CHAIRMAN (*Senator Benidickson*): By and large my recollection is correct?

Mr. MACLEOD: Yes.

Co-CHAIRMAN (*Senator Benidickson*): It does run on that ratio.

Mr. MACLEOD: Yes.

Mr. SIMPSON: May I now deal with Mr. Winch's second point, which was separation versus concentration. In a way I must disagree with you, Mr. Winch, because in this design I think we have concentrated. If you recall the earlier diagrams we did for this, we have essentially three groups of facilities other than the cell units. One is "admin," as we have called it, which comprises essentially the deputy warden's department; the whole of the inmate training program is generated in this department, it is run from there. This includes classification staff, psychologists and the whole of the machinery to operate this part of the institution. Other than this there are, let us say, staff and visiting. These are the two other main features in this administration building, and the location is because of his relationship to the outside world; this is the way into the institution.

The second main group is either the workshops or daytime activities building. In this is concentrated all the space required for the inmate training program during the daytime, which is essentially workshops, lecture rooms or classroom facilities, whatever you like to call them; that goes in this building.

The third group, which we have called the special handling building, comprises essentially two important ones, of which probably the most important is the sick bay, to which the daily sick parade goes and in which inmates are hospitalized if they require it. In this building, again probably the other major activity from the point of view of inmate movement, is the exercise auditorium, which is the movies, the gymnasium and what-have-you.

Those are the two main ones. Over here are the other minor ones. These are the minor items in relation to hours of the week to which they form part of the weekly program. There are the chapels and there is the book store, which, as we have discussed, is an issue point. Finally the last one down here is dissociation, which almost certainly for the large period of time is empty.

Now, the concentration of the inmate training program, you see, is between the administrative group which is in here and the actual inmate activity which is in this building here.

Now, as we have discussed in Washington and discussed here before, the sick bay is the home base of the psychiatrist as regards this institution; but the home base of the psychiatrist actually is in the regional medical centre, which is just a quarter of a mile down the road. He comes into the institution and deals with the inmates here and can move over here to deal with the inmate training staff when they are discussing problems.

Co-CHAIRMAN (*Senator Benidickson*): This is based on the campus setup.

Mr. SIMPSON: I would call our medium security setup a campus setup because it is very much spread out, but I would not call the maximum security so. The campus setup means that groups of buildings are pulled apart. This is more pulled in than apart. The chief reason for pulling it in is to cut down the distances and times taken to move.

Co-CHAIRMAN (*Mr. Watson*): Mr. Simpson, would it not be true to say that with all your estimations of inmate movement the best you can really do without

a fantastic amount of calculation is to give an educated guess on what is the heaviest inmate movement? Would it not be a good idea, if you have not already done so, to employ a computer expert to simply figure out by computer exactly what the most efficient distribution would be? I am not saying it would be possible to do it for immediate prison plan, but in the future do you anticipate doing this sort of thing before you design a prison?

Mr. SIMPSON: I am no expert in computers. As I understand computers they give you an answer based upon certain factors.

Mr. PRICE: Have you done a circulation study? I understand this is becoming fairly common.

Mr. SIMPSON: Not as such, but we have the experience of existing institutions. For example, there is Joyceville. The movement there has been studied. There is one corridor for movement coming from various parts of a four-storey building. But again, you see, let us go back to some of the diagrams. What we have essentially is living here, here and here, and workshops, special handling, administration and a system of corridors.

It would be perfectly possible to translate this by moving this out here, this out here, this over here and so on, and pull the whole institution out, and the transformation would then make it more, as the chairman says, a campus design.

In other words, you pull your buildings out; but what have you achieved by doing that? First you have made the distances greater that everybody has to walk. Is this or is this not a good thing? Our view in maximum security institutions, where we wish to be able to exercise some form of control over movement, is that it is not a good thing. In the medium security institutions this is what is happening. The buildings are pulled out and the distances are much greater, but in that setting we can tolerate the movement and the movement then assists in the whole program.

Mr. PRICE: I would like to go back to a much earlier stage. I do not find this in the records anywhere. It would be helpful to know the stages of planning. With whom did you talk, how did you go about planning, did you talk to your psychologists, did you ask them what they were going to do in the building when it was erected, and so on?

Mr. SIMPSON: The first stage of planning consisted of a headquarters activity of discussion between divisional heads and the commissioner, with myself sitting in and listening to what was said.

Co-CHAIRMAN (*Senator Benidickson*): When would that have been?

Mr. SIMPSON: This started early in 1963. This resulted, let us say, in a whole series of viewpoints, and the setting up of principles. Once the principles had been set up and the viewpoints, were resolved or agreement was reached between the key divisional heads, then we wrote what was called an outline program of requirements, which set out the main lines on which we were going to develop the institution.

This went to the Treasury Board program analysis division and in due course was approved by them.

Mr. WINCH: You did not then, having got the basic idea, go out and talk with your psychologists and your educationists and so on.

Mr. SIMPSON: Mr. Winch, you have gone a good deal ahead of time. At this time this was a written statement. There was no concept at all of an architectural plan. There was a statement really of principles on how we were going to develop the institution.

Mr. WINCH: Did you consult these people or not?

Mr. SIMPSON: We consulted a large number of our senior staff both at headquarters and in institutions. A series of meetings was held and I went round to various institutions when plans had been developed at a much later stage and lectured to staff.

Mr. WINCH: When you say that you spoke to senior staff, did you speak to the educationists, to the psychologists and so on?

Mr. SIMPSON: All this information came—

Mr. WINCH: Did you speak to the workers?

Mr. SIMPSON: —came in through the senior institutional officials, some of whom are psychologists and educationists.

Mr. WINCH: You were getting what was given you second hand. I am not criticizing; you were getting it second hand, though.

Mr. SIMPSON: Every architect gets his information second hand.

Co-CHAIRMAN (*Mr. Watson*): What we are interested in knowing as a committee is whether you, as the architect primarily responsible for this design, spoke to a psychologist, or spoke to a psychiatrist or spoke to the medical doctors. Did you speak to each of these individuals or at least to one individual?

Mr. SIMPSON: The Director of Medical Services headquarters is a psychiatrist, and he was one of the divisional heads in on the earlier stages of planning.

Co-CHAIRMAN (*Mr. Watson*): Who was that person?

Mr. SIMPSON: Dr. Gendreau.

Mr. PRICE: I do not want to embarrass you, so I will say nothing on that, but I want stronger support than that. Who were your practising psychiatrists in the key institution? For example, St. Vincent de Paul?

Mr. SIMPSON: Dr. Cormier.

Mr. PRICE: Did you speak to him?

Mr. SIMPSON: He consulted with the warden and the regional director.

Mr. PRICE: Would he be happy with this design?

Mr. SIMPSON: He is not.

Mr. PRICE: Why not?

Mr. SIMPSON: As I understand Dr. Cormier's main point of disagreement, it is that the medical unit which we call our sick bay does not contain a full psychiatric unit. That is Dr. Cormier's main point of concern, as I understand it.

Dr. Cormier is one psychiatrist. Now, the plan for development of medical facilities in the Penitentiary Service is based upon the regional medical centre to which the inmate, who has progressed to a certain stage of mental illness, goes.

Co-CHAIRMAN (*Senator Benidickson*): That is what I was getting at with the word "campus".

Mr. PRICE: There is something more fundamental than this. If we conceive the psychiatrist's function to be that of dealing with the mentally ill, then we are surely missing the point of what a psychiatrist is concerned with in an institution.

Mr. SIMPSON: But which psychiatrist?

Mr. PRICE: Let us talk of Dr. Cormier as an example. He is now in the process of running or having a substantial part in the conduct of an institution dealing with very aggressive prisoners. Now, surely his function is not simply to deal with psychiatric problems which arise in that setting. It is to plan a treatment program for that institution as a whole.

Mr. SIMPSON: Yes, that is his function.

Mr. PRICE: If this is so—I should point out that the point of this question is not to embarrass you. I just want to find out what kind of concept of planning have you built into this institution.

Mr. SIMPSON: But then suppose you go to another psychiatrist and he does not agree with Dr. Cormier—that's simply a medical question.

Mr. PRICE: But when we get into the design of the institution, we are then dealing with a penological question. How do you deal with a body of prisoners in the kind of program concept you have for that institution? Surely you would have to go to the people who are going to run the institution and say to them "What are we going to do with these guys?"

Mr. SIMPSON: This was done with the various heads of departments, and with the people experienced in this work. We don't set up activities for an institution, all we can do is to interpret the requirements as they are presented to us.

Mr. PRICE: But surely we must do something more about it. I have spoken to enough people and read enough in this area to know that it is essential to decide what you are going to do and what concept you are going to have. We will want to know that you have somebody with a viable, imaginative program planned to effect behaviour change and you would go to him and say "We want to build this institution here; what are we going to do? You will have to bear in mind the problems of security and traffic control. So what would you need to make these things possible?" This is how the Americans are doing it.

Mr. SIMPSON: Well, I am afraid I am reaching a stage where I have to ask a question.

Mr. PRICE: If I am not adequate, fair enough, but I think this is basic, and I think the public have a right to an answer.

Mr. WINCH: I have reached a stage where I think I have had enough penology for one day.

Mr. SIMPSON: But do you do off and find an "expert"?—or do you try to take the whole sum total of experience and knowledge of the senior officers of the Canadian Penitentiary Service and interpret that into a program?

Co-CHAIRMAN (*Mr. Watson*): Out of this senior group of officials was there a committee formed specifically to consider the design for this maximum security prison?

Mr. SIMPSON: There were senior officials called to Ottawa for the purpose of meetings and discussions on the designs in at least two stages of its development.

Co-CHAIRMAN (*Mr. Watson*): And the only psychiatrist called was Dr. Gendreau? Dr. Scott and Dr. Cormier were not included?

Mr. SIMPSON: I can only say that Dr. Cormier did not come to Ottawa, but I am not sure about Dr. Scott. I know he has views on medical facilities in institutions—

Co-CHAIRMAN (*Mr. Watson*): We are not talking about medical facilities.

Mr. SIMPSON: But Dr. Cormier's main contention is this—

Co-CHAIRMAN (*Mr. Watson*): Do you know whether the main idea for the prison started off with a program of rehabilitation before you started to make plans for the building?

Mr. SIMPSON: The outline program of requirements was a statement of this.

Mr. MACLEOD: The heads of the various divisions at headquarters constituted a committee that was responsible to prepare a program in writing upon which in due course the physical facilities would be developed. In our headquarters we have an intimate training division which at that time was headed by an officer of some 30 years' standing in the penitentiary service. He had served in the ranks and ended up before coming to Ottawa in this capacity, as warden of the Federal Training Centre in Montreal. Dr. Gendreau, the head of the medical system, had also been there for about 20 years carrying out the functions of head psychiatrist. And the industries division, responsible for the operation of penitentiary industries, was also headed by a man who had been in the service some 20 or 25 years. These are the various divisions into which the service is divided, and when they came up with certain draft plans each divisional head sent out to his counterpart in the field a copy of his draft. Is that your recollection, Mr. Simpson?

Mr. SIMPSON: If I remember correctly, they came to Ottawa.

Mr. MACLEOD: Between sending out the first draft and sending in their comments or representatives coming to Ottawa—this was a committee process when we tried to develop the kind of program that would be carried on and contemplated the kind of problems we would encounter and recognized the difficulties we would have to face. This was done over a period of 12 to 18 months.

Mr. WINCH: After you had that completed and got your design, did you then say "When should get other views on it"? Did you then take the plans to the Federal Bureau in Washington and say "This is how we feel—"?

Mr. MACLEOD: Not to my recollection, no. That would be most unusual to do so.

Mr. SIMPSON: I know we had the model on display at Baltimore, and, I think, in Boston as well.

Mr. WINCH: What I am after is this: This project is going to involve a number of buildings that will cost a lot of money. Now, I know we've got some darn smart people in Canada, but elsewhere in the world they have had similar problems which have been met with different approaches. Now this is a five-year plan or a seven-year plan—

Mr. MACLEOD: We are still in the middle of a 10-year plan.

Mr. WINCH: Well, even in the middle of a 10-year plan—and I think the cost is estimated to be \$110 million. The point I am trying to make is this: Did you try to find out what the up-to-date thinking on this matter was in the United States, or in Sweden, or in the United Kingdom or in other places like that?

Mr. MACLEOD: We have visited dozens of institutions in the United States, but as far as taking our final plan and going to the Federal Bureau of Prisons in Washington and saying "Now, will you advise us how we should design such institutions—" we didn't do that. We had many informal discussions with their people whom we know quite well, but there were no formal consultations.

CO-CHAIRMAN (*Senator Benidickson*): There are books published on this matter, which I have read recently, and they contain sketches of institutions in the United States and elsewhere. We have all been looking at these—at least some of us have.

Senator FOURNIER (*Madawaska-Restigouche*): I am always interested in expenses, and I understand that this type of institution would take care of 450 inmates. If you want to enlarge that building to take another hundred inmates, would you be able to do that without increasing the overhead very much?

Mr. SIMPSON: The larger the capacity the lower the rate per inmate up to a certain point.

Senator FOURNIER (*Madawaska-Restigouche*): What is the point?

Mr. SIMPSON: It depends what you are looking for.

Senator FOURNIER (*Madawaska-Restigouche*): When do you start to reach that point?

Mr. SIMPSON: The costs always increase with the smaller the institution, and they will decrease the larger the institution up to a certain point. I am not too sure of the point, but it would be somewhere between 3,000 and 5,000 inmates.

Mr. MACLEOD: Perhaps I should point out that it is our hope that the service will not be asked to add to the numbers in the institution.

Senator FOURNIER (*Madawaska-Restigouche*): But surely we must keep in mind that the taxpayer has to pay for all of these. The cost of the building in itself is not that great, but the upkeep of the building is considerable, and that is going to exist for many, many years to come. This is only a suggestion, but if we could build an institution in such a way that we could make additions to add say 100 or more inmates, there would certainly be no problem to get them with the rate of crime rising as it is every year, and it would mean only a slight increase in your overhead. Perhaps in that way the institution could provide for 150, or 200 or 250 for the same cost.

Mr. SIMPSON: You mean the whole cost?

Senator FOURNIER (*Madawaska-Restigouche*): Yes.

Mr. SIMPSON: Not the capital cost.

Senator FOURNIER (*Madawaska-Restigouche*): No, but the upkeep after that.

Mr. MACLEOD: Yes, I think that is so. There are certain basic posts that have to be manned, and whether there are 250 or 450 inmates it would not matter; but if you tried to turn this into a 600-man institution it would lose all its meaning from our point of view, because the Government of Canada back in 1962 adopted 450 as a maximum number of inmates to be kept in one of any of our major institutions. That 450 was 150 lower than had been recommended as a maximum in 1956. 450 was selected as a maximum number of inmates because it seemed to be one where you could provide at reasonable cost a reasonably inexpensive training program for inmates. If you operated the institution with 600 men you would cut down on the effectiveness of your program, even if you saved a little money in maintenance and operation.

Mr. WINCH: If I may interject a point here. This committee had evidence which was substantiated that if you take the overall cost of catching a criminal, trying him, sentencing him and maintaining him and his family, it amounts to over \$50,000 for every one we put in jail. So that the expenditure of money that is going to give the best possible result of rehabilitation and training, it is money well spent. The taxpayer has to pay the whole thing.

Senator FOURNIER (*Madawaska-Restigouche*): I have another question. Is your central heating system part of the institution, or separate?

Mr. SIMPSON: It is based on what we call a satellite system. We have a maximum security institution, and on the same site we are proposing to build the regional reception centre, the regional medical centre and on the other side our administrative offices. In the central services group will be the central heating plant, central kitchen, central stores. Each of the "satellites" is serviced by the central system.

Senator FOURNIER (*Madawaska-Restigouche*): Is it operated by firemen and engineers, or by inmates?

Mr. SIMPSON: No inmates. The only inmates, who might be working in the kitchen, would be those under minimum security who have separate accommodation on the site.

Mr. PRICE: On the question of planning, Mr. Litchfield told us this morning and I am sure his experience can be multiplied, that when he sets out to design an institution he spends many, many hours with the people who are going to conduct programs at the personal level. He finds out what the immediate problems of the psychologists are, and the problems he is likely to encounter. He talks in many cases to psychiatrists because the function of a psychiatrist has to be considered. On the strength of these interviews he gets a sense of what people want to do in the institution. At that stage you try to start key facilities, the design of rooms, and things of that sort. I am pretty well satisfied with a number of the answers to the questions which were asked. However, there was one answer with which I was not satisfied. I want to know in more concrete fashion what you are going to do in the institution. You have thrown credentials at the committee and said that these people have had 30 years experience, and I am wondering whether 30 years experience in a prison system could not mean a static system. There are all sorts of outsiders who are in touch with the behavioural sciences and with current developments. In your case, if you have documentation, I think it would be helpful to the committee, and then I would like to see whether this institution fits that plan. But so far there has only been some sense of a program, and it has only been a word. I do not mean to be unduly critical, but I would like something more concrete. I do not mean to embarrass you.

Mr. SIMPSON: I do not think you can embarrass me. Mr. Litchfield's system concerns the design of an institution for a jurisdiction or even a small group who are in that existing institution which is going to be replaced. There is a world of difference between that and the prison system which is operating in Canada. In the first place, by virtue of a ten-year plan the whole field of development of new institutions runs the whole gamut of the inmate training program, and no one institution provides the answer to the inmate training program. They all work with each other. Out of the sum total of the penitentiary officers, due to the pyramid system, certain ones come to the top, and they represent the cream of knowledge and experience, and those at the top are the divisional heads and the institutional administrators. The one factor that is without any doubt a major one in the development of any building or group of buildings today is that these buildings are going to be housing in five years that which is going to be entirely different. So the major problem for an architect of a penitentiary system is to so design and construct it that it is flexible enough to accommodate pretty well any sort of program anybody could think about. So at the present time there is no point, for instance, in saying that the psychiatrist says he wants a room 15 feet by 20 feet, and something here and something there and that this will suit him fine, because in five years time he will admit that what he then asked for is now absolutely hopeless. So we have to produce space that is flexible.

Co-CHAIRMAN (*Mr. Watson*): But if the psychiatrist wants more room, or if he wants to be beside the psychologist and the social workers, how are you going to do this?

Mr. SIMPSON: (Showing exhibit). Here is the sick bay, and it is designed for an increase in its activities. These two corridors can be run on, and a new facility built at the end. At some time, almost certainly, additional quarters for psychiatry will be needed but probably will not be there but will be in the regional medical centre. This is where the research and experimentation will be.

Co-CHAIRMAN (*Senator Benidickson*): This is quite new.

Mr. SIMPSON: Completely new and I think I am right in saying that in Canada there is no other facility quite like this. (Referring to the model). This is an open-end building, additional space can be provided here. Each of these wings in here can be changed. If you wish to increase the amount of facilities, you can take out these cells and use the space in here and reduce the population at the same time. There is no problem at all. Everything is movable.

Co-CHAIRMAN (*Mr. Watson*): How do you mean, "movable"?

Mr. SIMPSON: They are not carrying any loads. There is no interior partition in the whole institution that is carrying a load, so it can be taken away and put somewhere else. The three main buildings—and this relates to Mr. Winch's question about concentration—all of the activities are located here, and they are so located that they can be added to; whereas the cell accommodation, we hope will not be added to—although there are ways of adding to them, ways which I am not going to mention now because somebody may make a record of it, so I am not going to say.

Co-CHAIRMAN (*Senator Benidickson*): Because it has maximum population.

Mr. SIMPSON: From experience, particularly throughout North America and the United States, in existing institutions, it is easy to see what has happened by way of increasing cell capacity.

Co-CHAIRMAN (*Mr. Watson*): I questioned you on this and I got a fairly substantial answer but I am still not clear in my mind, and you may have to repeat some of what you told me before. If you are going to use this for special adult evening educational courses, if you have a group of people here, who have six different needs, how are you going to house them here, you will have to take different groups over here and here and here and here, and take some from this part. On the other hand, if all of those were combined in completely different designs, you would go down in this traffic, which I think is going to exist. What is your argument to counter this? Is there going to be traffic, as I suggest, or not?

Mr. SIMPSON: We already envisage traffic coming here, in the evenings, to the auditorium; and if a change in the type of inmate takes place, and there is an emphasis on evening education programs, then this area will be used. It requires some facility that will be set up in the daytime activities building. There is no barrier to moving inmates at any time of the day or night. What we have tried to do is to reduce to reasonable proportions the movement when we think it can be avoided.

Co-CHAIRMAN (*Senator Benidickson*): Staffing.

Mr. SIMPSON: And staffing, yes. But there is no reason at all why these people should not be operating 24 hours a day, if you want, if you have inmates sufficiently motivated, who go to school at those hours of the day, and officers who will look after them.

Co-CHAIRMAN (*Mr. Watson*): But you are going to use them as therapy units, habit units, as evening course units, and you will leave this out for the moment, are you not going to get a terrific amount of movement between the three? Either they move between the three or the person in charge here will say "you stay here, because we are not going to move you over there or over there, and this fellow will have to take what is over here and not over there, because it is too much trouble to move them over."

Mr. SIMPSON: Take one aspect, hobbies. Hobbies essentially, in a maximum security institution, are a cell activity, and they are restricted at the present time

because of the type of hobby in relation to the weapon potential of the tools demanded.

Senator FOURNIER (*Madawaska-Restigouche*): To answer our chairman, in those classrooms it would be very easy to move your office from one spot to the other?

Mr. SIMPSON: In principle, this is what we have followed. It is invariably easier for the officer to move than for the inmates.

Senator FOURNIER (*Madawaska-Restigouche*): In one class you might be teaching one subject and in the next class to the other group in the other corridor, you could do it by moving the officer.

Mr. SIMPSON: We have to look at this in perspective of the existing institutions, for which I hold absolutely no brief and no yardstick. Obviously there will be a difference in the course of the years. At the present time the activities are almost non-existent, other than going out to recreation, so this is a whole new field.

Mr. PRICE: It surprises me, in view of the fact that we are coming at a design which has been untested—because you have never had prisoners in every institution, I am informed, you do not see the problem any differently until you start to run it. I am told that correctional experience is growing at a fantastic rate. I wonder whether you can follow this plan for all size institutions of this sort—until we know more about how this one works.

Mr. MACLEOD: I think the point about that is that we are prepared to start Millhaven and look after the Ontario problem in part and the Quebec problem in part. If the minister were to decide to wait until we had experience in operating this plan, which would be another three years delay before starting on an institution in western Canada, this could be done.

Co-CHAIRMAN (*Senator Benidickson*): To refresh my memory, where are you operating dormitories because you have not individual cells?

Mr. MACLEOD: That is in Kingston and in Prince Albert.

Senator FOURNIER (*Madawaska-Restigouche*): That is not a good idea.

Mr. MACLEOD: This is the reason why we do not want to operate them in maximum institutions like Marion.

Senator FOURNIER (*Madawaska-Restigouche*): They have said that was a mistake and are going to change it.

Co-CHAIRMAN (*Mr. Watson*): Another point for the record—I would have thought the committee should have had considerably more evidence as to precisely what type of preliminary plan there is. The preliminary planning I think has not been sufficiently explained.

Co-CHAIRMAN (*Senator Benidickson*): Mr. MacLeod will speak to that.

Mr. MACLEOD: As Mr. Simpson said in another way, between last year and this year we are opening five medium security institutions. We hope next year to open the first of our maximum security institutions. How the programs will operate as between the two types of institution, we are not going to be certain of until we know exactly the types of maximum security inmates we will get. We cannot go into detail. We know we will cover the broad spectrum of inmate training that is being carried out by any progressive prison system, but as far as this particular maximum security design is concerned, it is our hope that we will be able to divide the inmate body of 450 into three groups of 150 each. To that extent at least we will be able to provide segregation as between the three different groups. We hope that we can go further than that and perhaps deal with six different groups with attitudes and problems in common, and that, as we

develop our program, we will be able to design programs for groups who have added problems. It is impossible for us at this stage to say what those groups will be, because until right now we have had only six maximum security institutions in Canada. They are all overcrowded, so there is not even room in our present day maximum security institutions to do any experimentation, because there are no facilities. We cannot be decisive on how their day-to-day program will go. All we can say is that we want to provide the things that are necessary and we want the space in which to do it. We want that space to be flexible so that if the program has to be changed we will not be prohibited from changing it by reason of a bad design.

Senator FOURNIER (*Madawaska-Restigouche*): The word "flexible" has an important bearing on your plan?

Mr. MACLEOD: That is right. We have been insisting from the beginning that our plan is as flexible as, and indeed, more flexible than, any of the other ones we have seen.

Co-CHAIRMAN (*Mr. Watson*): Are there any further questions?

Senator FOURNIER (*Madawaska-Restigouche*): On behalf of the committee I would like to thank Mr. Simpson and Mr. MacLeod for coming here this afternoon. I know I have learned a lot this afternoon. I wish them the best of luck. It is urgent that we get something started. I think we understand the problem. We shall learn from experience, and there might even be some bugs, but such things have to be overcome before we cure the problem. It will be no greater worry than many other things that we are doing. Let us get started somewhere.

Co-CHAIRMAN (*Mr. Watson*): I too would like to thank Mr. MacLeod and Mr. Simpson for their testimony this afternoon. I would like to advise the committee that a steering committee meeting will be called for Tuesday or Wednesday of next week. We will be drafting an interim report on the question of maximum security, which I hope will be ready for publication by the end of the week or in the following week, at least before prorogation. The meeting is adjourned.

The Committee adjourned.

APPENDIX "5"

LAPIERRE & LITCHFIELD ARCHITECTS 8 WEST 40th STREET,
NEW YORK 18, NEW YORK

Lester S. LaPierre AIA Clarence B. Litchfield AIA Gannett Herwig
AIA Lawrence Litchfield AIA Pennsylvania 6-7820.

PARTIAL LIST OF OUR CORRECTIONAL WORK

Name and Location	Capacity	Year
*1. Berks County Penitentiary, Reading, Penna.	296	1931
*2. Federal Penitentiary, Lewisburg, Penna.	1214	1932
*3. New York State Prison, Wallkill, N.Y.	504	1933
*4. New York State Correctional Institution, Wood- bourne, N.Y.	724	1934
*5. Federal Penitentiary, Terre Haute, Ind.	1279	1938
*6. Four U.S. Navy Disciplinary Barracks, New York, N.Y.	993	1942
*7. Alterations to U.S. Army Disciplinary Barracks, Mil- waukee, Wis.		1943
*8. Federal Reformatory, Lompoc, Calif.	1344	1945
**9. Southampton Penitentiary Farm, Capron, Va.	600	1946
**10. Bland Correctional Farm, Bland, Va.	450	1948
**11. Virginia State Prison Farm, State Farm, Va.	772	1949
*12. Security Cottage, Institution for Women, Clinton, N.J.	40	1952
*13. New York City House of Detention, Brooklyn, N.Y. .	817	1956
***14. State Correctional Institution, Dalas, Panna.	952	1958
**15. Alterations and Additions, City Jail, Baltimore, Md. .	865	1959
*16. Additional Industrial Facilities, Greenhaven Prison, Stormville, N.Y.		1959
***17. State Correctional Institution, Lebanon, Ohio	1300	1960
*18. Alterations to County Jail, Passaic, N.J.		1960
*19. State Minimum Security Institution, Enfield, Conn. .	400	1960
*20. House of Detention, Government of Iraq	501	1961
*21. Institution for Women, Government of Iraq	122	1961
*22. Male Correctional Facility, Government of Kuwait .	500	1962
*23. Minimum-Medium Security Institution for Men, Gov- ernment of Iraq	1155	1962
*24. Maximum-Medium Security Institution for Men, Gov- ernment of Iraq	1310	1962
*25. Women's Correctional Facility, Government of Kuwait	80	1963
*26. State Reception and Security Institution, Enfield, Conn.	1000	1963
*27. Alcoholic Treatment Unit for Men, Westchester County, N.Y.	132	1963

Name and Location	Capacity	Year
*28. State Institution for Youthful Offenders, Windsor, Vt.	300	1963
***29. Maryland Institution for Men, Breathedsville, Md.	1200	1964
***30. Redesign of Massachusetts Correctional Institution, Concord, Mass.	504	1964
*31. Facility for Female Minors and Adults, Westchester County, N.Y.	60	1965
**32. Facilities for Department of Corrections, State of Delaware	900	1965

Our services have also included reports verifying needs of new facilities, designs and reports which proved that other type of facilities were actually of great use, and recommendations of additions and alterations to allow present institutions to more adequately serve present needs.

*Indicates Architects for Facility.

**Indicates Consultant to Owner.

***Indicates Consultants to Local Architect.

****Indicates Joint Venture with Local Architect.

APPENDIX "6"

Some Recommendations For Improving the Treatment of the Federal Female Offender.

by Isabel Macneill

At the present time there are approximately 120 federal female offenders, 75 in Kingston the remainder in Matsqui.

Some 79 staff are employed in Kingston, 35 in Matsqui.

The total accommodation of these two institutions is 276.

There is no reason to assume that the female population will increase drastically. One institution of 100 beds, with two or three pre release hostels would provide adequately for the female offender for some years.

One of the existing maximum security institutions for females could be used for male inmates—possibly Matsqui for the study and treatment of sexual psychopaths. Kingston, although a deplorable plant, could be used for females until the new prison is completed in three to four years. Houses, owned by the government, exist in Kingston. (Wardens residences, other residences, to be vacated under present policy)

Classification

A basic policy, advocated by Archambault and Fauteux Reports, and successive Ministers of Justice, is that inmates should be segregated according to their potential for reform. Imprisonment is too often destructive, because most inmates are weak—and tend to accept the leadership of the "prison-wise" recidivist, who has no desire to change.

At the present time there is no segregation of females according to potential for reform.

From my experience there are five groups of female inmates:

Group A: Recidivist addicts, bank robbers, forgers abortionists, steeped in the mores of criminal society. These people reject identification with staff and positive aspects of the prison programme. Often they are well behaved in prison.

This group should be isolated from the others as far as practicable.

Group B: Recidivists, as in Group A, but who have by maturation decided that they want to change and indicate their intention by becoming involved in treatment, education, religious activities, and are prepared to identify with staff.

Group C: First offenders, often committed for serious offenses, murder, manslaughter, financial offences. These are very often women with normal associations in the community, and supportive families. Imprisonment and contact with the criminal sub-culture is painful to them. They are in no danger of corruption, but if not kept in contact with the community are in danger of mental illness. Few of these women present any threat to society and should be placed in hostels as soon as practicable, to attend classes, or work in the community.

Group D: Young Offenders. These may be narcotics addicts—but are quite different from the physiologically and psychologically addicted. They have taken narcotics for “kicks”—are basically rebellious children. Other young offenders are people who have committed relatively minor offences, been incarcerated in provincial institutions, where they have caused disturbances or run away. These young women tend to identify with the worst element in prisons, they are bitter at the length of their sentences, and hostile to authority. These inmates must be separated from Group A, they require a challenging programme of academic vocational training, constructive recreational activities and intensive treatment. They are usually ex-juvenile delinquents whose problems started at an early age. They require above all else acceptance by staff as potentially good citizens, irrespective of their behaviour. Harsh punishments increase their hostility: fair consequences they can accept.

Group E: The pre-psychotic. 30 per cent of Prison for Women inmates over a five year period had been in mental hospitals prior to committal. Some were serious alcoholics, others exhibited the classical symptoms of mental illness—which prompted their criminal acts. These people require a separate section, with trained staff, occupational therapy, and control medication when appropriate. The majority can return to the general population after a few months. Some legislation should be enacted to prevent the dangerous inmate from returning to society at the end of sentence. At present only those inmates obviously out of touch with reality can be transferred to mental hospitals for continuing care, which might extend to natural life. In my experience three women had to be released to the community whom I felt might kill.

Classification is one of the most important factors in rehabilitation. Reform of many is seriously hindered by the influence of the persistent criminal, whom I define as a person damaging to persons and property for financial gain as a way of life.

Utilization of Kingston, with the two ranges, two wings, and two or three community hostels would provide classification according to potential for reform, which is the only true classification.

Staff

Without any implied criticism of the present incumbent at Kingston it must be stated that historically the most progressive institutions for females have been directed by females: and females who involved themselves in the daily life of inmates on a personal level. Dr. Katherine Davis of Bedford Hills N.Y., Mrs. Jessie Hodder and Dr Miriam Van Waters of Framingham, Mass. ran institutions far more progressive and productive than comparable male institutions of the time.

The suggestion that a male can fulfill a father role is unrealistic. A father with a hundred daughters who must be definition of his function keep his daughters away from normal association with peer group males is not acceptable. More than one male administrator of an adult female institution has written of the difficulties in resisting the manipulative tendencies of the female offender. I

support male staff, social workers, psychologists, teachers, in a female institution, and vice versa. Planning and policy, administrative authority, is best undertaken by a female administrator, who is more aware of the roles women must play in society, whether as wives and mothers, or workers. The female administrator is more likely to have contacts with members of female professional organizations, whose support is essential in establishing ex female inmates in our society.

Mrs P. Spence, the present Superintendent of Matsqui Female satellite would appear to be quite capable of running an institution of 100-120 females.

Organization

The Penitentiary Service is organized as a large corporation. Missing in the structure, in my opinion is that body of staff who could ensure a higher quality of product, because of their influence on administrative practises. The US Federal Service, and some states have resolved this problem by employing Public Health professionals to direct and control treatment. Whether it is a good system would bear investigation. Certainly treatment personnel have more status. The imprisoned are not "normal" people: they are not selected men and women, as are armed forces personnel. Without consideration of the mental and emotional problems of inmates only a small proportion will be changed by imprisonment: I must question whether these inmates could not have functioned on probation. In my present position I am meeting many ex male and female inmates, very few had "treatment" in institutions, some are responding to treatment now. Many admit that institutionalization deprived them of all initiative and they function better in prison than outside.

Prison for Women at this point appears to have all the Administrative Staff, all the Correctional Staff, to fit into the system. However there is not a full time behavioural scientist on the staff. I am sure the authorities are trying to secure such staff. When I questioned an organization where people with Master's Degrees were responsible to people with Grade 10 or 11 and no experience in the behavioural sciences, one member related this situation to industry. The situation does not exist in any industry, to my knowledge where the product is "people". It does not exist in hospitals, educational institutions—I believe prisons should be somewhere between these two.

In a new Prison for Women set up I believe the existing organization should be rejected. There should be a Superintendent, with knowledge of, it not educated in one of the behavioural sciences. There should be two Deputy Superintendents, one experienced in business administration, responsible for management of the institution's financial and physical functions; one a behavioural scientist, responsible for the latter person would direct education, treatment, vocational training. All other staff would be in one department or the other. At present "correctional" staff are responsible to an Assistant Supt Custody—which defines the philosophy.

Correctional and instructional staff, who spend most time with inmates should be responsible to staff equipped by education and experience to appreciate the functions of professional staff, and understand developments in the education and training of unmotivated adults, which most inmates are.

Present trends in criminal behaviour, in too many cases with involvement in chemical substances, will present in future complex problems to institutional staff. It becomes even more important to develop institutions where there can be close identification between staff and inmates—institutions in which the deep personality problems of inmates can be resolved.

A small institution, of 100 or so inmates offers ideal opportunities for experimentation. Prison for Women, 1961-65 lead the service in providing some pre release for all inmates, in providing weekly case conferences with the

psychiatrist, social worker, psychologist, nurses and administration. Lack of staff prevented further developments.

The Department of Reform Institutions, Ontario, is permitting experimentation in the Mercer Reformatory. There has been a total change of approach within the last year, not without problems. However the majority of ex inmates state that they have been helped, although assuming responsibility is much more difficult.

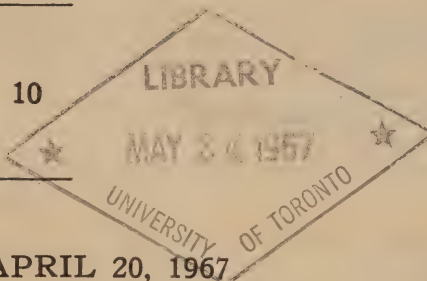
I believe experimentation in the Prison for Women Kingston, under the direction of Mrs Spence, might well contribute greatly to the service in general.



First Session—Twenty-seventh Parliament
1966-67

PROCEEDINGS OF
THE SPECIAL JOINT COMMITTEE OF THE SENATE
AND HOUSE OF COMMONS ON
PENITENTIARIES

No. 10



THURSDAY, APRIL 20, 1967

JOINT CHAIRMEN

The Honourable Senator W. M. Benidickson, P.C.

and

Ian Watson, M.P.

INTERIM REPORT

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

THE SPECIAL JOINT COMMITTEE OF THE SENATE AND
HOUSE OF COMMONS ON PENITENTIARIES

Joint Chairmen

The Honourable Senator W. M. Benidickson, P.C.

and

Ian Watson, M.P.

The Honourable Senators

Benidickson,
Cameron,
Deschatelets,
Fergusson,
Fournier (*Madawaska-
Restigouche*),

Inman,
Irvine,
O'Leary (*Carleton*),
Prowse.

Messrs.

Aiken,
Allmand,
Dionne,
Fulton,
Lachance,
Matheson,
McQuaid,
Prud'homme,

Ricard,
Rochon,
Stafford,
Tolmie,
Watson (*Châteauguay-
Huntingdon-Laprairie*),
Winch,
Woolliams.

(Quorum 10)

ORDER OF REFERENCE

(House of Commons)

Extract from the Votes and Proceedings of the House of Commons, Tuesday, March 15, 1966.

Mr. Pennell, seconded by Mr. McIlraith, moved,—That a joint committee of the Senate and House of Commons be appointed to consider the state of penitentiaries under the control of the Government of Canada and the plans of the Government in relation thereto with powers to report from time to time its observations and opinions thereon; send for persons, papers and records; adjourn from place to place; sit during sittings of the House; and print from day to day such papers and evidence as may be ordered by the committee, and that Standing Order 66 be suspended in relation thereto;

That 15 Members of the House of Commons, to be designated at a later date, act on behalf of the House as Members of the said committee; and

That a message be sent to the Senate requesting that House to unite with this House for the above purpose, and to select, if the Senate deem advisable, some of their Members to act on the proposed joint committee.

After debate thereon, the question being put on the said motion it was agreed to.

Extract from the Votes and Proceedings of the House of Commons, Tuesday, March 22, 1966.

On motion of Mr. Pilon, seconded by Mr. McNulty, it was ordered,—That a Message be sent to the Senate to acquaint Their Honours that this House will unite with them in the formation of a Joint Committee of both Houses to consider the state of Penitentiaries under the control of the Government of Canada and that the Members to serve on the said Committee, on the part of this House, will be as follows: Messrs. Aiken, Allmand, Dionne, Fulton, Lachance, Macdonald (*Rosedale*), Matheson, McQuaid, Prud'homme, Ricard, Stafford, Tolmie, Watson (*Châteauguay-Huntingdon-Laprairie*), Winch and Woolliams.

LÉON-J. RAYMOND,

Clerk of the House of Commons.

ORDER OF REFERENCE

(Senate)

Extract from the Minutes and Proceedings of the Senate, Wednesday, March 23, 1966.

Pursuant to the Order of the Day, the Senate proceeded to the consideration of the Message from the House of Commons requesting the appointment of a Special Joint Committee of the Senate and House of Commons on Penitentiaries.

The Honourable Senator Connolly, P.C., moved, seconded by the Honourable Senator Huggesen:

That the Senate do unite with the House of Commons in the appointment of a Joint Committee of both Houses of Parliament to consider the state of penitentiaries under the control of the Government of Canada and the plans of the

Government in relation thereto, and to report from time to time its observations and opinions thereon;

That nine Members of the Senate, to be designated at a later date, act on behalf of the Senate as members of the said Joint Committee;

That the Joint Committee have power to send for persons, papers and records; to adjourn from place to place; to sit during sittings and adjournments of the Senate; to print from day to day such papers and evidence as may be ordered by the Joint Committee; and

That a Message be sent to the House of Commons to inform that House accordingly.

The question being put on the motion, it was—

Resolved in the affirmative.

Extract from the Minutes and Proceedings of the Senate, Tuesday, March 29, 1966.

With leave of the Senate,

The Honourable Senator Beaubien (*Provencher*) moved, seconded by the Honourable Senator Macdonald (*Cape Breton*):

That the following Senators be appointed to act on behalf of the Senate on the Joint Committee of the Senate and House of Commons to consider the state of penitentiaries under the control of the Government of Canada and the plans of the Government in relation thereto namely, the Honourable Senators Benidickson, Cameron, Fergusson, Fournier (*Madawaska-Restigouche*), Gouin, Inman, Irvine, O'Leary (*Carleton*), and Prowse; and

That a Message be sent to the House of Commons to inform that House accordingly.

The question being put on the motion, it was—

Resolved in the affirmative.

J. F. MacNEILL,
Clerk of the Senate.

MINUTES OF PROCEEDINGS

THURSDAY, April 20, 1967.

Pursuant to adjournment and notice the Special Joint Committee of the Senate and House of Commons on Penitentiaries met this day at 9:30 a.m.

Present: For the Senate: The Honourable Senators Benidickson (*Joint Chairman*), Cameron, Fournier (*Madawaska-Restigouche*), Deschatelets, Inman, Irvine and Prowse—7.

For the House of Commons: Messrs. Watson (*Châteauguay-Huntingdon-Laprairie*) (*Joint Chairman*), Aiken, McQuaid, Tolmie and Winch—5.

A draft Interim Report, submitted by the Joint Chairmen, was read, amended and adopted.

At 11:100 a.m. the Committee adjourned to the call of the Joint Chairmen.

Attest.

Patrick J. Savoie,
Clerk of the Committee.

INTERIM REPORT

(Tabled in both Houses of Parliament)

WEDNESDAY, April 26, 1967

The Orders of Reference appointing the Joint Committee direct that it is "to consider the state of penitentiaries under the control of the Government of Canada and the plans of the Government in relation thereto..." In pursuance of these Orders of Reference, the Committee had placed before it the matter of the design of the standard maximum security institution which the Canadian Penitentiary Service proposed to build at the various locations described in a ten-year plan of institutional development produced in 1963, namely:— one in the Atlantic region; two in the Quebec region, one of them at Ste. Anne des Plaines; two in the Ontario region; one in the Western region. Two maximum security institutions on this design are proposed in the first phase of a ten-year program. The contract for one of these institutions, Ste. Anne des Plaines, had already been let before the matter was referred to the Committee. A final decision was pending on the second of these maximum security institutions, to be built near Kingston, at Millhaven, Ontario.

In considering the standard maximum security institution design that is proposed, the Committee held nine formal hearings over the period from June 30, 1966, to April 6, 1967. Members of the Committee also held informal meetings in Washington, D.C., with senior officials of the Bureau of Prisons of the United States Department of Justice. In addition, members of the Committee visited St. Vincent de Paul Penitentiary on October 19, 1966 and Kingston Penitentiary on November 4, 1966.

The following witnesses were heard during the formal hearings:— The Honourable L. T. Pennell, Q.C., Solicitor General of Canada; Mr. A. J. MacLeod, Q.C., Commissioner of Penitentiaries; The Honourable Mr. Justice R. Ouimet,

Chairman of the Canadian Committee on Corrections; Mr. T. D. MacDonald, Q.C., the Deputy Solicitor General of Canada; Mr. J. C. A. LaFerriere, Regional Director (Quebec Region), Canadian Penitentiary Service; Mr. I. B. Simpson, Facilities Planning Officer, Canadian Penitentiary Service; Magistrate E. W. Kenrick, Chairman, Canadian Corrections Association; Professor Justin Ciale, Department of Criminology, University of Montreal; Professor J. V. Fornataro, School of Social Work, University of British Columbia; Mr. A. M. Kirkpatrick, Executive Director, John Howard Society of Ontario; Mr. H. B. Kohl, Architect, Toronto; Mr. W. T. McGrath, Executive Secretary, Canadian Corrections Association; Dr. G. J. S. Wilde, Department of Psychology, Queen's University, Kingston; Dr. N. L. Freedman, Department of Psychology, Queen's University, Kingston; Mr. W. A. Brister, Governor, Morton Hall, Borstal Institution, Swinderby, Lincoln, England; Mr. Clarence B. Litchfield, Architect, New York City, N.Y.

The Committee also had the benefit of certain materials that were made available for its assistance, namely:— a Brief submitted by the Canadian Corrections Association (printed as an Appendix to the Proceedings); an "Evaluation of the Design for Maximum Security Prisons Developed by the Canadian Penitentiary Service" prepared by the Canadian Committee on Corrections, bearing date November 10, 1966, and containing a detailed sketch of an alternative design prepared by Mr. H. B. Kohl; a memorandum to the Solicitor General from the Commissioner of Penitentiaries, bearing date November 29, 1966, replying to criticisms of the Canadian Penitentiary Service design contained in the "Evaluation" prepared by the Canadian Committee on Corrections; a model and working plans of the proposed Canadian Penitentiary Service design; certain films prepared by the Canadian Penitentiary Service; and slides demonstrating the alternative design prepared by Mr. Kohl.

The Committee wishes to emphasize the peculiar difficulty with which it is presented by this reference. Architectural design, especially as it relates to prison architecture, is a highly specialized field. The Committee was informed that only a very few architects in North America are recognized as experts in the field of prison architecture. The design for a maximum security institution that is proposed by the Canadian Penitentiary Service is strenuously opposed by representatives of both the Canadian Corrections Association and the Canadian Committee on Corrections. It is similarly opposed by one prison architect, and apparently viewed with something less than enthusiasm by another. In the latter case, the architect is a recognized expert in the field. In the circumstances, therefore, the Committee finds itself placed in the role of adjudicator.

It is common ground that opinions among architects as to what is desirable may differ. Further, we are told that a proper assessment of any prison design can only be obtained from long and intimate association between an architect and the planning authority. To this extent any "outside" expert is at a disadvantage, and assessment or criticism offered by him must be viewed with some measure of caution. At the same time, a prison design of necessity reflects—implicitly if not explicitly—the correctional philosophy that it is intended to embody. There comes a point, therefore, at which it is a particular correctional philosophy itself that is in issue. This does not mean that the difficulties are removed, for here also the questions to be resolved are in the domain of experts—experts whose opinions once again differ.

In assessing the Canadian Penitentiary Service design, it is important to bear in mind that the maximum security institution is to be one of a complex of integrated and contiguous institutions. This complex, in addition to the maximum security institution, is to consist of a regional reception centre, a medium security institution, a minimum security institution, a special correctional unit and a medical psychiatric centre. There are immediate design implications to this

plan. This explains why it is considered practicable to arrange for food preparation outside the institution. It explains the absence of a reception and classification unit in the design. It is also offered as some explanation as to why the separation of the hospital from the offices of the clinical staff is not considered inherently objectionable, for under the plan as it is conceived, services that would otherwise be provided to clinical personnel by the hospital will be provided by the medical psychiatric unit outside the institution. A further implication is that the special correctional unit will remove from the maximum security institution some of the more violent inmates classed as non-psychotic, and the medical psychiatric centre will remove psychotic inmates. This in turn is reflected in the more limited space allotted for the disassociation unit and for the hospital.

The criticisms of the proposed design may be divided into two categories:—those directed to the general conception of a maximum security institution as conceived by the Canadian Penitentiary Service; and those concerned with particular features of the design itself. These two categories are not, of course, entirely separate. Criticism in point of detail provides, understandably, much of the evidence that is advanced in support of the challenge to the design in its general conception. For convenience, however, we will consider the various criticisms that have been made under these two headings:

The criticisms that have been directed at the general conception of the Canadian Penitentiary Services' standard design for a maximum security institution are the following:

(1) Control of inmate movement is unnecessarily rigid and centralized, and the consequent restrictive atmosphere will result in serious loss of time and disruption of program. It is further suggested that efforts at rehabilitation will be inhibited by the manner in which inmate control is conceived in the institution.

(2) There is too great a division of staff from inmates in the proposed institution and this can give to prisoners the impression that the staff is afraid of them. Emphasis needs to be placed on increasing contact between inmates and staff, rather than on increasing separation.

(3) The space allocated for program needs is inadequate. This point is made in reference to a number of detailed features of the program design: i.e. educational facilities; provision for recreation; dining facilities; the library; etc. However, the argument also proceeds at a more fundamental level. The contention is that the design reflects no conception of "program" that the institution is planned almost exclusively by reference to custodial considerations, without any clear assessment as to the kinds of prisoners who are to be placed in the institution or the kind of program that is required if there is to be any hope of effecting behavioural change. A correctional institution, it is said, should be built around an express conception of the program that is to be conducted in it, and such is not apparent from the present design.

(4) The design is wanting in flexibility. It cannot be modified to meet changing conditions in later years, and especially change in the prevailing philosophy of corrections.

The Committee proposes later in this interim report to return to those criticisms of the general conception of the design. The Committee turns at this point to an assessment of criticisms of particular features of the design. The principal criticisms on matters of detail, with our comments, are as follows:

(1) There are too many control points in the present design. This contributes to an oppressive atmosphere in the institution. It accentuates the separation between inmates and staff. It results in too large an

allocation of manpower into unproductive tasks, with a consequent reduction of funds available for training and rehabilitation.

Comment: It seems to the Committee that this criticism has been answered in part, but only in part. An analysis provided by the Canadian Penitentiary Service indicates that the number of 24-hour control points is only five. It appears to the Committee, however, that the total number of control points, including those operated for shorter periods, remains large—in comparison, for example, to the maximum security institution at Marion, Illinois. Moreover, as we interpret the design, an inmate would not be able to move from the cell unit to any other part of the institution without passing at least three control points. This suggests to us an atmosphere of rigid and oppressive security. The Committee notes further that the argument that there is an economy to be derived from the Canadian Penitentiary Service plan is based on the express assumption that inmates will be able to move through the institution free of escort. Expert testimony that the Committee has received suggests that this assumption may well be questionable. If inmate movement is to take place in the manner apparently contemplated by the Canadian Penitentiary Service—that is, without escort and through a series of narrowly separated control points—the Committee wonders whether this itself is not some evidence to sustain the more general criticism that an undue separation between inmates and staff is built into the design.

(2) Inadequate provision is made for an educational program. Three day rooms are specified as being for educational use. These are too small. They are dispersed, so that it is difficult to establish an integrated teaching program. They also suffer from the positioning of a control point outside the door of each room.

Comment: The Committee was informed that the workshops building is designed with sufficient flexibility that additional classrooms can be provided. Experience elsewhere has apparently been that the amount of classroom space required is usually underestimated. It is the Committee's view that the present plans for the workshop building contain inadequate provisions for classroom facilities and your Committee recommends a complete review of the educational requirements and the provision of adequate facilities therefor. The Committee was also informed that day rooms are to be designed in such a way that blinds could be installed to be pulled down to block off the view from the control point outside the door. The Committee recommends that blinds be installed and used in such manner as to remove as far as possible the custodial atmosphere. It seems to the Committee that the criticism concerning dispersal of classrooms can only be answered if it is assumed that the main educational program is to be conducted in the workshops building. The Committee was impressed by testimony received that many foreign prison jurisdictions are increasingly utilizing manufacturing facilities as an important tool in the rehabilitative process. The Committee recommends that the prison design take into consideration the possible inclusion of this type of development.

(3) The space allocated for a library is too small. Clearly the library will not be large enough to contain many books. Nor is it large enough to permit inmates to use the library for reading purposes.

Comment: The Committee understands that the intention is that inmates will place orders for books and that the books will be brought to them at their cells. It would appear to the Committee, that, under this arrangement, any rehabilitative benefit that an inmate might obtain from being exposed to a library is lost. The Committee recommends that library space be expanded, to allow selective access by inmates to the library.

(4) Dining facilities are inadequate. As the institution is conceived, inmates will eat either in small groups in day rooms or individually in their cells. There is no provision for a large central dining hall, or for any dining room of intermediate size. This arrangement is criticized on several counts. The day rooms are small, so that as a practical matter most of the inmates will eat in their cells. The use of day rooms for dining purposes, with the consequent problems of waste and food odours, is inconsistent with the multi-purpose use that is contemplated for such rooms. There is, in any event, a need for a larger dining facility where inmates can be observed in more open surroundings in assessing whether they are ready for transfer to medium security institutions.

Comment: The Committee is convinced that dining in the day rooms is an improvement over the present cell dining arrangement in maximum security prisons, however, the Committee believes that some larger group dining facilities should be seriously considered. The Committee is further convinced, on the evidence that it has heard, that a larger dining facility does not present an unreasonable problem of control, even in a maximum security institution.

(5) The arrangement whereby food will be prepared outside the walls, in preference to an interior kitchen, is undesirable, both because the quality of the meals will suffer and because this will be a vehicle for the entry of contraband into the institution.

Comment: This criticism has been answered to the Committee's satisfaction on the basis that the kitchen is for the common use of a complex of adjoining institutions.

(6) The Canadian Penitentiary Service design provides for a small combined exercise room and auditorium, but no gymnasium. It is contended that this is inadequate.

Comment: The Committee is sympathetic to this criticism, and noted on one hand the larger space per inmate of indoor recreation facilities provided by the U.S. Federal Bureau of Prison but also noted greater use of outdoor facilities in the Canadian prison system. The Committee recommends that more consideration be given to the multipurpose use of indoor recreational facilities.

(7) The location of areas in relation to one another is badly planned. For example, the hospital is separated by substantial distances from the offices of clinical personnel and from the disassociation unit. Similarly, the chapel is placed in a location such that access to it can be obtained only by passing through the maximum number of control points. Nor are separate offices provided for chaplains in immediate proximity to the chapel.

Comment: It appears to the Committee that there would be substantial advantages to chapels being centrally located with chaplain's offices in close proximity.

It will be evident in reviewing these criticisms of particular features of the Canadian Penitentiary Service design that some have been answered, or answered to a degree. Still others, although not all, can be met by additions or modifications to the design. The Committee thinks it important to note also that a number of features of the design have elicited favourable comment. Reference might be made in particular to the arrangement of cells into small, segregated cell units, to the provision of outside cells throughout, and to the placing of interview rooms close to the cells. While there has been some complaint that the proposed institution is too large for effective correctional procedure, we think it only fair to point out that the proposed inmate population of 432 compares favourably with other institutions of this kind.

The criticisms of the general conception of the proposed maximum security institution are more difficult to assess for the very reason that they are less specific. Nevertheless, the Committee is of the opinion that there is some merit in each of the four general criticisms that were outlined previously. The Committee makes the following observations:

(1) The manner in which the control of inmate movement is conceived in the institution is likely to have a repressive effect. The opposite view expressed to the Committee was that the width and comparative shortness of the corridors will give a feeling of spaciousness that is less oppressive than results from the longer corridors that are customary in such institutions. The Committee believes that this view fails to take into account the multiplicity of glass enclosed control points that characterizes the design. The Committee thinks also that the complexity of the corridor design can only serve to accentuate inmate awareness of omnipresence of "control".

(2) It seems evident to the Committee that the Canadian Penitentiary Service design provides for the maximum separation of staff from inmates. All of the evidence that we have heard is to the effect that the tendency in correctional development is to break down unnecessary barriers between inmates and staff as the most hopeful means of effecting personality change. This development is documented in the correctional literature and borne out in experience with maximum security institutions such as Marion, Illinois. The Committee recognizes the need to protect officers from attack. The question is whether protection is to be bought at too high a price in this design. It is relevant to note that the workshop building will apparently contain a "catwalk", presumably to permit an armed guard to preside over work activities. Our information is that no such protection has been built into a federal prison in the United States in over half a century and that "catwalks" in earlier prisons have in most cases been removed. The criticism, therefore, that the design is concerned primarily with "custodial emphasis" seems warranted.

(3) Specific criticisms concerning program space have been considered above. The Committee has been able to obtain no satisfactory comparative assessment of the overall allocation of space for program purposes, in part because of the multi-purpose use that is apparently contemplated for the workshop building. The Committee is concerned about the approach that the Canadian Penitentiary Service appear to have brought to program planning in relation to architectural design. There seems to have been little attempt made to seek out professional advice concerning the kinds of programming that might serve most effectively to meet the needs of prisoners and what, architecturally, might be desirable to facilitate such programming. It is the Committee's understanding that leading modern prison architects have come to recognize this as their most important and creative function. Put in its simplest terms, more attention should be given to program planning prior to design and construction.

(4) It is more difficult to comment on the criticism that the proposed institution lacks flexibility. In some respects the institution is designed with a particular view to flexibility. The Committee notes that the three "activities buildings" can all be extended, that the workshops building is apparently designed so as to allow considerable freedom of internal alteration, and that the design and placing of the cell units is such that space for day rooms or interview rooms can be increased by the removal of cells. It is also claimed for the design that it provides for maximum flexibility in grouping for purposes of segregation, although we think it only fair to note that this claim has been challenged. The Committee has

serious doubts whether the building is adaptable to evolving program needs in accordance with developments in correctional philosophy and questions whether it would readily allow for any program that presupposes relatively free and uninterrupted inmate movement.

If this is all that there were to consider, the Committee is inclined to the view that there should be a basic and detailed re-examination of the standard design for a maximum security institution proposed by the Canadian Penitentiary Service before any further construction is allowed to proceed. There are, however, other considerations.

It has been impressed upon the Committee that there is an urgent need for an early start on another maximum security institution to relieve overcrowding at the St. Vincent de Paul and Kingston Penitentiaries. The Committee did hear evidence that the inmate population at Kingston Penitentiary has been reduced, that medium security institutions are not operating to full capacity and that the opening of the Warkworth institution will further relieve the pressure of population. There is some evidence also, that the estimated percentage of inmates requiring maximum security custody as expressed in the ten-year program on which the Canadian Penitentiary Service building plans are based is too high. Nevertheless, the Committee thinks that the case for an early start on one additional maximum security institution has been made. The Committee is informed that the preparation of a new design would take a considerable time to complete. The Committee has heard estimates that vary between one to three years.

However, we have no hesitation in recommending a basic review before any consideration is given to constructing additional maximum security institutions in accordance with this design, as is apparently contemplated under the ten-year plan of institutional development. To begin with, the Committee has serious reservations about the design itself. Secondly, the Committee is concerned that the estimated percentage of inmates requiring maximum security custody may be too high. Under the ten-year plan, this segment of the inmate population is estimated at 32 percent. The Committee notes that the *Manual of Correctional Standards* of the American Correctional Association, which lists a number of leading Canadian authorities as contributors and consultants, express doubt "if real maximum security facilities are needed for more than 15 percent of an unselected prison population". The Committee appreciates that the inmate population in the penitentiary system is in some respects unique in that the system receives only offenders sentenced to imprisonment for periods of two years or more, so that it is not "an unselected prison population". However, the Committee thinks that more evidence is required to account for a difference between 15 percent and the Canadian Penitentiary Service estimate of 32 percent. Authoritative evidence has been received by the Committee that would indicate that developments in the correctional field are moving at such a rapid rate that design should be adaptable to changing concepts. The evidence that a higher percentage of offenders are sentenced to prison in Canada than elsewhere and the likelihood that the report of the Canadian Committee on Corrections will result in a change in sentencing procedures, confirms this view. The Committee questions whether the ten-year plan of the Canadian Penitentiary Service sufficiently takes into account the increasing trend in correctional technique towards less secure custody—a trend that extends, we are informed, to many prisoners who have until recently been thought to require custody under conditions of maximum security.

In conclusion, the Committee approves the decision to construct a second maximum security institution on the standard design proposed by the Canadian Penitentiary Service, subject to the following recommendations:

(1) That the specific modifications to the Canadian Penitentiary Service standard design recommended in the text of this Committee's Report be implemented.

(2) That no additional maximum security institutions be built on this design without allowing for a period of experience with the one institution under construction and the one contemplated; and without a basic review of the standard design in the light of developing correctional philosophy.

(3) Moreover, before any further consideration is given to the construction of additional maximum security institutions, the Canadian Penitentiary Service should prepare a detailed statement of the program that it proposes to conduct in such institutions, with particular reference to programming directed to behavioural change, and that every effort be made to relate requirements, in terms of space, classification and architectural design, to the best knowledge available concerning programming for behavioural change in the correctional context.

All which is respectfully submitted.

W. M. BENIDICKSON,
Joint Chairman.

IAN WATSON,
Joint Chairman.

BINDING SECT. NOV 24 1970

